



**Town of Amherst
Regular Council Meeting
Agenda**

Date: Monday, October 22, 2018
Time: 7:00 pm
Location: Council Chambers, Town Hall

	Pages
1. PUBLIC HEARING	
1.1 LUB / MPS Amendments - 283-295 Church Street - 2nd Reading	
1.2 Development Agreement Application - 99 West Victoria Street - 2nd Reading	
2. CALL TO ORDER	
3. O CANADA	
4. HEARINGS/PRESENTATIONS/PETITIONS	
4.1 SOAR	
5. APPROVAL OF AGENDA/MINUTES	
5.1 Approval of the Agenda	
5.2 Approval of Minutes	3 - 7
6. REQUESTS FOR DECISION	
6.1 PACE Bylaw - 2nd Reading - BLANCH	8 - 13
6.2 Election of Deputy Mayor and Council Committees - KOGON	
6.3 Austin Request to Discharge DA for Dickey Street - D. JONES	14 - 27
6.4 Gritty to Pretty Beautification Program -BYRNE	28 - 48
6.5 Amherst Youth Town Council Appointments - BLANCH	49 - 53

6.6	PAC Recommendation - 283-295 Church Street Rezone - 2nd Reading - CHRISTIE	54 - 64
6.7	PAC Recommendation - 99 West Victoria Street Development Agreement - 2nd Reading - MACKENZIE	65 - 75
6.8	PAC Recommendation -LUB Amendment - Keeping of Chickens - RHINDRESS	76 - 90
6.9	Residency Requirement - BLANCH	
7.	INTERNAL COMMITTEE REPORTS	
7.1	Planning Advisory Committee - CHRISTIE	91 - 91
7.2	Amherst Board of Police Commissioners - No Report	
7.3	Amherst Youth Town Council - AYTC MEMBER	92 - 92
8.	EXTERNAL COMMITTEE REPORTS	
8.1	Cumberland Public Libraries - MACKENZIE	93 - 93
8.2	Cumberland YMCA - CHRISTIE	94 - 94
8.3	Cumberland Joint Services Management Authority - No Report	
8.4	Northern Region Solid Waste Committee - No Report	
8.5	L. A. Animal Shelter - KOGON	95 - 95
8.6	NSFM Report - RHINDRESS	96 - 97
9.	ADJOURNMENT	

TOWN OF AMHERST
Regular Council Meeting
Minutes

Date: September 24, 2018
Time: 7:00 pm
Location: Council Chambers, Town Hall

Members Present Mayor David Kogon
Deputy Mayor Sheila Christie
Councillor Jason Blanch
Councillor Vince Byrne
Councillor Darrell Jones
Councillor Wayne MacKenzie
Councillor Terry Rhindress

Staff Present Greg Herrett, CAO
Jason MacDonald, Deputy CAO Operations
Bill Schurman, Director Recreation
Greg Jones, Fire Chief
Natalie LeBlanc, Deputy Clerk
Tom McCoag, Corporate Communications Officer
Kim Jones, Municipal Clerk
Shelley Rector, Chief Financial Officer
Rebecca Taylor, Business Development Officer
Andrew Fisher, Manager of Planning & Strategic Initiatives
Dwayne Pike, Acting Police Chief

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 7:00 p.m.

2. O CANADA

Sung by Theresa Nicholls.

3. APPROVAL OF AGENDA/MINUTES

3.1 Approval of the Agenda

Moved By Councillor Rhindress

Seconded By Deputy Mayor Christie

To add item 4.1.2 Letter of Support to the Gautineau and Ottawa, Quebec tornado victims.

Motion Carried

Moved By Councillor Jones

Seconded By Councillor MacKenzie

That the agenda be approved as amended.

Motion Carried

3.2 Approval of Minutes

3.2.1 May 23, 2018 Special Council

Moved By Councillor Rhindress

Seconded By Councillor Blanch

That the minutes of the May 23, 2018 special meeting of Amherst Town Council be approved.

Motion Carried

3.2.2 June 25, 2018 Regular Council

Moved By Councillor Byrne

Seconded By Councillor MacKenzie

That the minutes of the June 25, 2018 regular meeting of Amherst Town Council be approved.

Motion Carried

3.2.3 July 23, 2018 Special Council

Moved By Deputy Mayor Christie

Seconded By Councillor Byrne

That the minutes of the July 23, 2018 special meeting of Amherst Town Council be approved.

Motion Carried

3.2.4 August 20, 2018 Special Council

Moved By Councillor Jones

Seconded By Councillor Rhindress

That the minutes of the August 20, 2018 special meeting of Amherst Town Council be approved.

Motion Carried

4. REQUESTS FOR DECISION

4.1 First Reading - 99 West Victoria Street Application for Development Agreement

Moved By Councillor Rhindress

Seconded By Councillor MacKenzie

That Council give first reading of the proposed Development Agreement for 99 West Victoria Street, and schedule a public hearing for October 22, 2018.

Motion Carried

4.1.2 Letter of Support – Gautineau and Ottawa Tornado Victims

Moved by Councillor Rhindress

Seconded by Deputy Mayor Christie

That Council write a letter of support to the tornado victims in Gautineau and Ottawa, Quebec.

Motion Carried

4.2 First Reading - PACE Bylaw

Moved By Councillor Blanch

Seconded By Councillor MacKenzie

That Council give first reading of the Town of Amherst By-law B-8 Respecting Charges for the Property Assessed Clean Energy Program.

Motion Carried

4.3 Strategic Priorities Review

Moved By Councillor Byrne

Seconded By Councillor Rhindress

That Council adopt the Strategic Priorities Chart for the October to December period.

Motion Carried

4.4 Community Support Grants Policy
Moved By Deputy Mayor Christie
Seconded By Councillor MacKenzie
It is recommended that Council approve amendments to the Community Support Grants Policy, 72000-08 to include the “A” Fresh Start Initiative.

Motion Carried

4.5 Amherst Youth Town Council Appointments
Moved By Councillor MacKenzie
Seconded By Councillor Jones
That Council approve the following appointments to the Amherst Youth Town Council:

Reappoint returning members to serve a two-year term, 2018-19 and 2019-20:

- Rohin Minocha-McKenney
- Allie Degenstein
- Olivia Pulsifer
- Rajan McKenney
- Mason Carter
- Grace Doncaster
- Braeden Lines

Appoint new members to serve a two-year term:

- Salem Dimichele
- Adrianna O’Quinn
- Dan Osborne

Motion Carried

4.6 Traffic Authority Policy Amendment
Moved By Councillor Jones
Seconded By Councillor MacKenzie
That Council approve amendments to the Traffic Authority Policy #68000-03 which remove the specific name of Ian Naylor and instead simply refer to the office of Chief of Police.

Motion Carried

4.7 Cumberland YMCA Contribution Agreement
Moved By Deputy Mayor Christie
Seconded By Councillor Byrne
That Council approve the contribution agreement with the Cumberland YMCA and authorize the Mayor and CAO to sign the agreement.

Motion Carried

4.8 Heritage Gas Agreement
Moved By Councillor Blanch
Seconded By Deputy Mayor Christie
That Council enter into the Memorandum of Understanding with Heritage Gas for the provision of asphalt patching services.

Motion Carried

4.9 Audited Financial Statements - March 31, 2018
Moved By Councillor Rhindress
Seconded By Deputy Mayor Christie
That Council accept the Audited Consolidated Financial Statements for the Town of Amherst, and the Non Consolidated Financial Statements for the Amherst Water Utility for the fiscal year ending March 31, 2018 which have been audited by the firm Jorgensen Bickerton, as recommended by the Audit Committee.

Motion Carried

Moved By Councillor Rhindress

Seconded By Councillor Byrne

In keeping with the philosophy of minimizing debt, the Town Council approve a change in the method of funding various Water Capital Projects totaling \$197,297 from debt financing to Capital from Revenue from the Water Operating fund, as recommended by the Audit Committee.

Motion Carried

4.10 Debenture Approval

Moved By Councillor Jones

Seconded By Councillor Byrne

That Council approve the attached Resolution for Pre-Approval of Debenture Issuance in the amount of \$916,677 for the long term financing of the water main replacement and street reconstruction of East Victoria Street from Rupert to civic # 250 and the storm water separation on Station Street.

Motion Carried

4.11 Moving Funds from Operating to General Capital

Moved By Councillor Rhindress

Seconded By Councillor MacKenzie

That Council approve the resolution to withdraw \$527,907 from the Operating Reserve and transfer it to the General Capital fund for the 2017/18 capital purchase of a fire truck.

Motion Carried

5. INFORMATION / DISCUSSION ITEMS

5.1 Mobility Scooters and Motorized Wheelchairs

Acting Chief Pike reviewed the report included as part of the agenda package.

6. INTERNAL COMMITTEE REPORTS

6.1 Planning Advisory Committee

Information item; no direction given or action required.

6.2 Amherst Board of Police Commissioners

Information item; no direction given or action required.

7. EXTERNAL COMMITTEE REPORTS

7.1 Cumberland Public Libraries

No Report.

7.2 Cumberland YMCA

Information item; no direction given or action required.

7.3 Cumberland Joint Services Management Authority

Information item; no direction given or action required.

7.4 Northern Region Solid Waste Committee

Information item; no direction given or action required.

7.5 L. A. Animal Shelter

No Report.

7.6 Joint Tourism Committee

Information item, no direction given or action required.

7.7 Senior Safety Report

Information item, no direction given or action required.

7.8 NSFM Report

Information item, no direction given or action required.

- 8. ADJOURNMENT**
Moved By Councillor Jones
Seconded By Councillor Blanch
To adjourn the meeting at 7:57 p.m.

Kimberlee Jones
Municipal Clerk

David Kogon, MD
Mayor

Synopsis

PACE Bylaw

The proposed Bylaw to enable a Property Assessed Clean Energy (PACE) Program allows municipalities to offer financing to homeowners for energy efficiency retrofits that are paid back via their tax bill over a period of up to 10 years. All costs to provide the program are paid for by participants, and there are no costs to property owners who do not participate. The PACE program outlined above has become a common offering amongst NS municipalities, as it offers its residents a relatively low-cost way to finance energy efficiency retrofits.

Once the bylaw is approved and in place, Town staff will work out the implementation details in cooperation with the Cumberland Energy Authority and others and will provide program details and dates in the near future.

MOTION:

That Council give second reading of the Town of Amherst Bylaw B-8 Respecting Charges for the Property Assessed Clean Energy Program.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Andrew Fisher, Manager of Planning & Strategic Priorities

DATE: October 22, 2018

SUBJECT: PACE Bylaw – Second Reading

ORIGIN: Strategic Priority – Net Zero / Community Energy Strategy

LEGISLATIVE AUTHORITY: Municipal Government Act (MGA), section 81A (1) *The council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for the financing and installation of any of the following on private property with the consent of the property owner: (a) equipment installed pursuant to an expenditure under clause 65 (aca): providing for, financing and installing energy-efficiency equipment on private property including, without restricting the generality of the foregoing, solar panels...*

RECOMMENDATION: That Council give second reading of the Town of Amherst Bylaw B-8 Respecting Charges for the Property Assessed Clean Energy Program.

BACKGROUND: The proposed Bylaw to enable a Property Assessed Clean Energy (PACE) Program allows municipalities to offer financing to homeowners for energy efficiency retrofits that are paid back via their tax bill over a period of up to 10 years. All costs to provide the program are paid for by participants, and there are no costs to property owners who do not participate. The same or similar program is already in place in other NS municipalities such as: Bridgewater, District of Lunenburg, Richmond County, HRM, and others. The Municipality of the County of Cumberland via the Cumberland Energy Authority is adopting the same program.

The program will work as follows:

1. customer registers for the program;
2. administrator (EfficiencyNS or Clean Foundation) confirms eligibility with the Town (tax accounts in good standing);
3. customer signs a PACE agreement;
4. customer books a certified energy audit;
5. customer chooses efficiency retrofit from audit report;
6. customer acquires quotes for retrofit and submits them to the administrator;
7. administrator assesses which costs are eligible based on the program's savings to debt ratio;
8. customer sends the administrator invoices from the contractor;
9. municipality pays the contractor, and the customer begins repayment.



The process for the Town to offer the program is to pass the proposed Bylaw, and enter into an agreement with Efficiency Nova Scotia or the Clean Foundation to administer and assist in marketing the program. There are other potential administration options but Efficiency and Clean are used by most municipalities. The established programs offered by both the aforementioned organizations are essentially the same with only minor differences.

The Town's responsibilities include providing the financing, confirming customer eligibility, and applying the appropriate tax liens. There is also a start-up cost (ie. on-boarding fees) of approximately \$14,000 payable to the administrator that covers setup of the program with Town staff, and a communications and marketing package. The Town can apply to the Provincial Department of Energy who offers a program to cover the start-up cost.

The Town must also determine the total amount to be used for financing the program, and/or number of residences that may participate in a given year. It is important to note that interest charged to the customer is intended to at least cover the Town's cost to finance the program.

DISCUSSION: The PACE program outlined above has become a common offering amongst NS municipalities, as it offers its residents a relatively low-cost way to finance energy efficiency retrofits. Aside from the initial start-up cost that can potentially be covered by the province, the Town's major financial responsibility is the total amount that can be financed. Other costs would be attributed to staff time to assist in communication of the program, verifying customer eligibility, and managing the loan repayment.

This initiative supports Council's priority to develop a community energy strategy, as the program is a common component of such strategies in other jurisdictions. This program was identified as one of the ways the Town can partner with the Cumberland Energy Authority, who plan to provide a dedicated staff member that would help customers to navigate the various programs intended to reduce their energy costs. Alternatively, the Town can offer the program independently from the Energy Authority.

FINANCIAL IMPLICATIONS: A start-up fee of approximately \$14,000 that may be covered by the NS Department of Energy. The Town must provide the up-front capital to finance the program.

COMMUNITY ENGAGEMENT: Public notice of second reading of the proposed bylaw through the Amherst Newspaper.

ENVIRONMENTAL IMPLICATIONS: Increased efficiency and adoption of renewable energy reduces GHG emissions.

ALTERNATIVES: 1) Do not adopt the Bylaw; 2) Defer second reading and direct staff to provide more information.

ATTACHMENTS: Draft PACE Bylaw.
Frequently Asked Questions
Sample Customer Agreement
Sample Town/Administrator Agreement

Report prepared by: A. Fisher
Report and Financial approved by:

**THE TOWN OF AMHERST BY-LAW B-8 RESPECTING
CHARGES FOR
THE PROPERTY ASSESSED CLEAN ENERGY PROGRAM**

TITLE

1. This Bylaw shall be known as “*The Property Assessed Clean Energy Program*” Bylaw.

PURPOSE

2. The purpose of this Bylaw is to enable financing of energy efficiency upgrades to qualifying residential properties within the Municipality.

DEFINITIONS

3. In this Bylaw:
- a) “Chief Administrative Officer” means the Chief Administrative Officer of the Municipality;
 - b) “Director of Finance” means the Director of Finance of the Municipality;
 - c) “Energy Efficiency Upgrade” means an installation that is permanently affixed to the property and which
 - i. Will result in improved energy efficiency and substantially reduced energy use;
 - ii. Meets or exceeds applicable energy efficiency standards established or approved by the Municipality; and
 - iii. Involves central ducted or ductless heat pumps or solar panels meeting specifications or having ENERGY STAR[®] certification, air sealing, insulating, ENERGY STAR[®] windows and doors, or such other energy efficiency upgrades as are approved and agreed in writing by the Municipality.
 - d) “Municipality” means the Town of Amherst;
 - e) “PACE Customer Agreement” means the written, signed Property Assessed Clean Energy Efficiency Program Customer Agreement between the owner of a qualifying property and the Municipality for financing of an Energy Efficiency Upgrade to the property.
 - f) “PACE Charge” means the Property Assessed Clean Energy improvement tax levied on the property pursuant to s.81A of the *Municipal Government Act*.
 - g) “PACE Program” means the program established by the Municipality under which owners of Qualifying Properties may apply for and obtain financing for Energy Efficiency Upgrades.
 - h) “Qualifying Property” means an owner-occupied residential property located within the Municipality, but does not include multi-unit residential or non-profit owned buildings and does not include business or industrial premises.

APPLICATION AND APPROVAL

- 4. An owner of a Qualifying Property within the Municipality who is not otherwise in default of any municipal taxes, rates or charges, may apply for Municipal financing of Energy Efficient Upgrades to the property.
- 5. Financing shall be subject to Municipal approval and execution of a PACE Customer Agreement with the owner of the Qualifying Property.

PAYMENT OF CHARGE

6. The PACE charge shall become payable in full on completion of installation of the Energy Efficiency Upgrade in accordance with the PACE Customer Agreement.
7. The Director of Finance shall maintain a separate account of all monies due for PACE charges levied pursuant to this By-law, identifying:
 - a. The names of the property owners and assessment, PID and civic address information of the subject property;
 - b. The amount of the PACE charge levied on the property;
 - c. The amount paid on the PACE charge.

LIEN

8. On completion of an Energy Efficiency Upgrade pursuant to a PACE Customer Agreement, the PACE Charge shall be levied against the property.
9. A PACE Charge imposed pursuant to this Bylaw constitutes a first lien on the subject property and has the same effect as rates and taxes under the *Assessment Act*.
10. A PACE Charge pursuant to this Bylaw is collectable in the same manner as rates and taxes under the *Assessment Act* and, at the option of the Director of Finance, is collectable at the same time and by the same proceedings as taxes.
11. The lien provided for in this Bylaw shall become effective on the date on which the Chief Administrative Officer files with the Director of Finance a certificate that the agreed improvement has been completed.
12. The lien provided for in this Bylaw shall remain in effect until the total charge, plus interest, has been paid in full.

INTEREST

13. Interest will be charged on PACE Charges at a rate of Municipal cost of borrowing plus 1% per annum.
14. Interest shall accrue on any PACE Charge or portion thereof which remain outstanding from the date of billing.
15. Interest is payable annually on the entire amount outstanding and unpaid, whether or not the owner has elected to pay by installments.

INSTALLMENT PAYMENTS

16. The owner of a Qualified Property may elect to pay the PACE Charge by equal installment payments over a period or not more than 10 years, as set out in the PACE Customer Agreement.
17. In the event of default of any installment payment under the PACE Customer Agreement, the entire outstanding balance shall be immediately due and payable.

EFFECTIVE DATE

This Bylaw shall come into effect on _____

THIS IS TO CERTIFY THAT the foregoing is a true and exact copy of a By-Law passed at a duly called meeting of the Town of Amherst held on the xxth day of _____, A.D., 2018.

GIVEN under the hands of the Mayor and Clerk and under the Corporate Seal of the Town of Amherst aforesaid, this xx day of _____, A.D., 2018.

Mayor

Municipal Clerk

Synopsis

Development Agreement Discharge Request

DA-2007-02 – Dickey Street

A request has been received by the property owners of the vacant property located at the corner of Dickey and Rupert Streets (PID 25041666) to discharge a 2007 development agreement for a multi-unit residential complex. The subject development agreement allowed for construction of a 30-unit townhouse development within nine buildings, accessed by a common driveway. The original property owners did not start the development and subsequently sold the property. The current property owners are not interested in developing the property as laid out in the agreement. Once discharged, the property would be subject to the regular requirements of the Land Use and Subdivision Bylaws.

Staff discussed with the property owner alternatives to discharging the agreement such as requesting an amendment; however, the process to amend would be same as entering into a new agreement. As such there is little advantage to keeping the agreement in place.

MOTION:

That Council discharge Development Agreement Case No. DA-2007-02 for PID 25041666.



AMHERST TOWN COUNCIL

RFD# 2018139

Date: October 22, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Andrew Fisher, Manager of Planning & Strategic Initiatives

DATE: October 22, 2018

SUBJECT: **Development Agreement discharge – corner of Dickey & Rupert St.**

ORIGIN: A request by the property owners of the vacant property located at the corner of Dickey and Rupert Streets (PID 25041666) to discharge a 2007 development agreement for a multi-unit residential complex.

LEGISLATIVE AUTHORITY: Municipal Government Act (MGA), section 229 (2) *A council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with concurrence of the property owner.*

RECOMMENDATION: That Council discharge Development Agreement Case No. DA-2007-02 for PID 25041666.

BACKGROUND: The subject development agreement allowed for construction of a 30-unit townhouse development within nine buildings, accessed by a common driveway. The original property owners did not start the development and subsequently sold the property. The current property owners are not interested in developing the property as laid out in the agreement. Once discharged, the property would be subject to the regular requirements of the Land Use and Subdivision Bylaws.

DISCUSSION: There is no specific Municipal Planning Strategy policy that speaks to discharging a development agreement. It is unfortunate that the 30-unit development is not going to take place; however, with the agreement out of the way it will allow development of the property under the regular provisions of the Land Use and Subdivision Bylaws. As a very rough estimate, the 4.15-acre property could potentially accommodate up to 25 single-detached dwelling lots.

Staff discussed with the property owner alternatives to discharging the agreement such as requesting an amendment; however, the process to amend would be same as entering into a new agreement. As such there is little advantage to keeping the agreement in place.

FINANCIAL IMPLICATIONS: None at this time.

COMMUNITY ENGAGEMENT: There is no public process involved with discharging a development agreement



ENVIRONMENTAL IMPLICATIONS: None at this time.

ALTERNATIVES: None

ATTACHMENTS: DA Discharge Supporting Documentation
Development Agreement Case No. 2007-02
Site Plan

Report prepared by: A.Fisher

Report and Financial approved by:

James and Sally Austin

PO Box 703

Amherst, NS

B4H 3E3

Amherst Town Council

Town of Amherst

98 Victoria St., East

Amherst B4H 1X6

RE: PID#: 25041666

Amherst Town Council,

I am writing to the council today to request for the discharge of the Development Agreement PID# 25041666. Case DA: 2007-02 dated May 31st, 2007. Parties involved; Callaghan & Weatherbee Development Ltd and The Town of Amherst.

If you, The Town Council would approve this request at your earliest convenience, it would be greatly appreciated.

Sincerely,

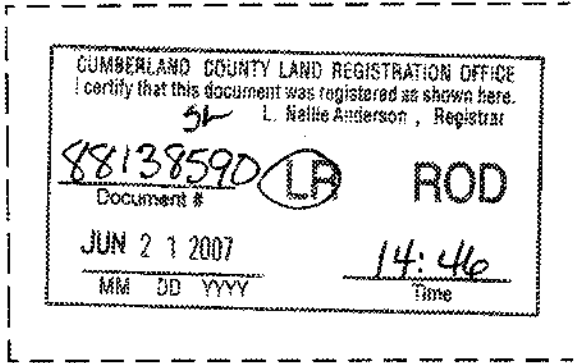


James and Sally Austin



Purpose: to request or direct a revision of title and Certificate of Legal Effect

For Office Use



Registration district: Cumberland
 Submitter's user number: 1623
 Submitter's name: Brian S. Creighton

In the matter of Parcel Identification Number (PID)

PID:25041666

(Expand box for additional PIDs. Maximum 9 PIDs per form)

The following additional forms are being submitted simultaneously with this form and relate to the attached document: (check appropriate boxes, if applicable)

- Form 24(s)
- Form 8A(s)
- This Form 24 creates or is part of a subdivision or consolidation

TAKE NOTICE THAT a revision of the registration of the above-noted parcel(s), is hereby requested or directed, as set out below.

AND FURTHER TAKE NOTICE THAT the attached document is signed by attorney for a person under a power of attorney, and the power of attorney is (select one or more)

- recorded in the attorney roll
- recorded in the parcel register
- incorporated in the document
- no power of attorney applies to this document
- The following registered interests are changed in the parcel's registration: **Not Applicable**
- The following tenant in common interests that appear in the section of the parcel register labelled "Tenants in Common not registered pursuant to the *Land Registration Act*" are to be removed because the interests are being registered (insert names to be removed): **Not Applicable**
- I have searched the judgment roll with respect to this revision of the registered interest and have determined that it is appropriate to add the following judgment(s) or judgment-related documents to the parcel register, in accordance with the *Land Registration Act* and *Land Registration Administration Regulations*: **Not Applicable**
- The following benefits are to be added and/or removed in the parcel's registration: **Not Applicable**
- The following burdens are to be added in the parcel's registration:

Instrument type	Development Agreement (406)
Interest holder and type to be removed (if applicable)	Not Applicable
Interest holder and type to be added (if applicable) Note: include qualifier (e.g. estate of, executor, trustee, personal representative)(if applicable)	Town of Amherst, Party to Agreement (Burden)

Mailing address of interest holder to be added (if applicable)	PO Box 516 Amherst, Nova Scotia, B4H 4A1
Reference to related instrument in names-based roll/parcel register (if applicable)	Not Applicable
Reason for removal of interest (for use only when interest is being removed by operation of law) Instrument code: 443	Not Applicable

- The following recorded interests are to be added and/or removed in the parcel's registration:
Not Applicable
- I request that the following textual qualifications on the registered interest in the above-noted parcel be changed:

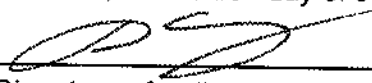
Textual qualification on title to be removed (insert any existing textual description being changed, added to or altered in any way)	Not Applicable
Textual qualification on title to be added (insert replacement textual qualification)	The Development Agreement between the Town of Amherst and the Registered Owner does not have priority over the two prior recorded mortgages.
Reason for change to textual qualification (for use only when no document is attached) Instrument code: 838	Not Applicable

- I request that the following information about the occupier of the parcel, which is owned by the Nova Scotia Farm Loan Board, be changed (insert n/a if not applicable): **Not Applicable**

Certificate of Legal Effect:

I certify that it is appropriate to make the above-noted changes to the parcel register(s) for the indicated PIDs.

Certified at Amherst, in the County of Cumberland, Province of Nova Scotia, on the 20th day of June, A.D., 2007.



Signature of authorized lawyer

Name Brian S. Creighton
Address 14 Electric Street, PO Box 398,
Amherst NS B4H 3Z5
Phone (902) 667-8490
Email: brian.creighton@csdlaw.ca
Fax: (902) 667-6081

- This document also affects non-land registration parcels. The original will be registered under the *Registry Act* and a certified true copy for recording under the *Land Registration Act* is attached.

April 3, 2007

Case No. DA-2007-02

This Agreement made this 31st Day of May 2007.

Between:

Callaghan and Weatherbee Land Development Limited, Owner of property located at the corner of Dickey Street and Rupert Street, hereinafter called the Owner

Of the one part

- and-

The Town of Amherst, a body corporate hereinafter called the Town

Of the other part

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to construct a 30 unit townhouse development on property located at the corner of Dickey and Rupert Streets.

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 26th Day of March 2007, approved the said development agreement subject to the registered owner of the land described herein entering into this agreement;

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:

That the Owner is the registered owner of the aforesaid lands in the Town of Amherst, hereinafter called the lands. The aforesaid lots 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 hereto and forming part of this agreement.

That the owner may construct a 30 unit townhouse development on the said lands, subject to the following Schedules A, B and C attached.

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.

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.

The Town shall issue the necessary permit for the development upon the expiration of the appeal

period specified for development agreements in the Municipal Government Act, Section 249 , as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.

SIGNED, SEALED AND DELIVERED

FOR THE TOWN OF AMHERST

in the presence of

Rebecca Purdy

Jerry Hallee
Jerry Hallee
Mayor

Gregory D. Herrett
Gregory D. Herrett
CAO

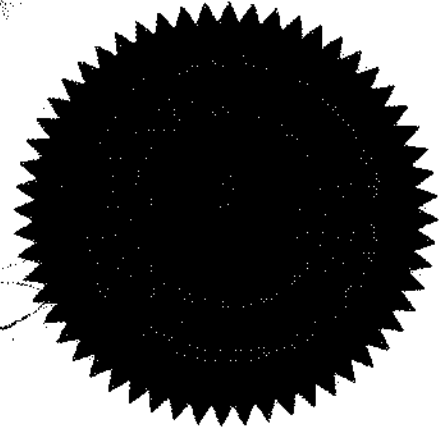
J. M.

FOR THE OWNER

Sean Callaghan
Sean Callaghan


J. M.

Charles Weatherbee
Charles Weatherbee

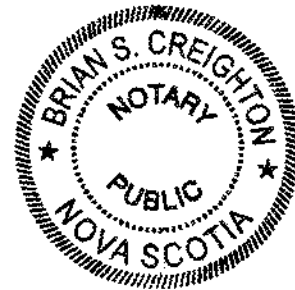


**PROVINCE OF NOVA SCOTIA
COUNTY OF CUMBERLAND**

ON this 20th day of June, A.D., 2007, before me, the subscriber personally, **Jason MacDonald** came and appeared, a subscribing witness to the forgoing Indenture, who having been by me duly sworn, made oath and said that, **Callaghan and Weatherbee Land Development Limited**, one of the parties thereto, signed, sealed, and delivered the same in his presence.



BRIAN S. CREIGHTON, a Barrister of the
Supreme Court of Nave Scotia

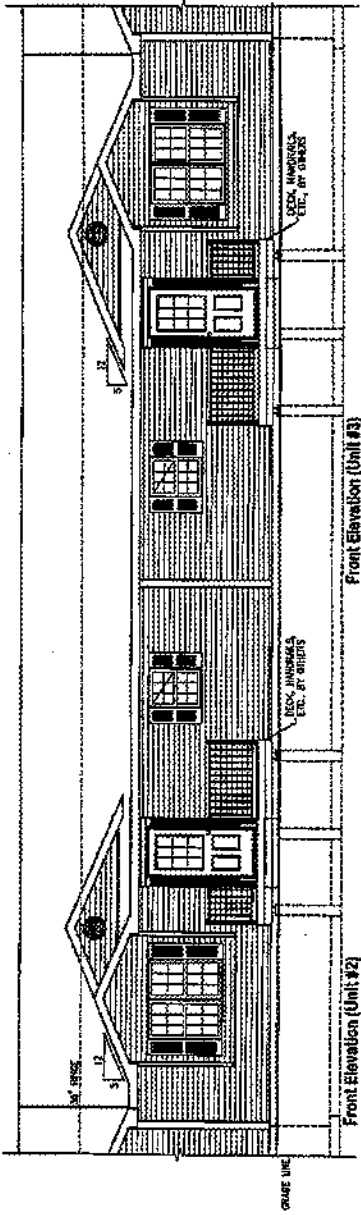


Terms and Conditions:

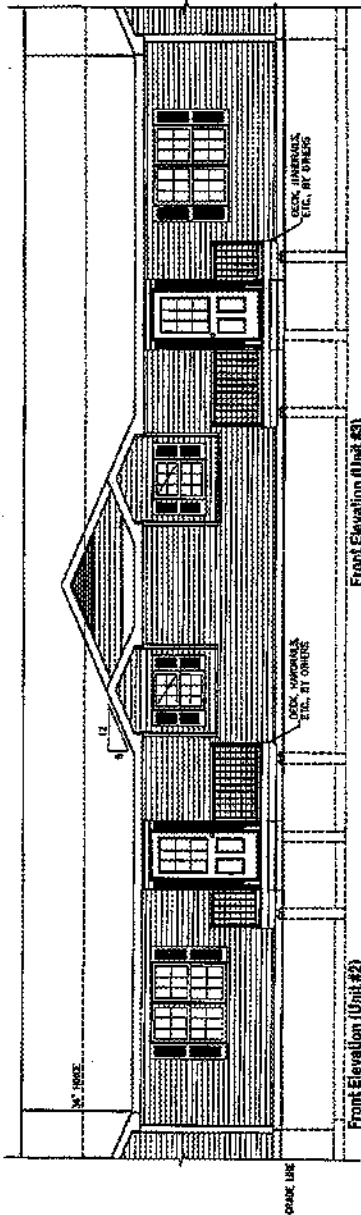
1. The use of the property be limited to a 30 unit townhouse development, contained within 9 separate buildings;
2. The properties be consolidated into one lot;
3. The location of the buildings be generally in accordance with Schedule B, the following minimum setback dimensions for each buildings shall apply:
 - a. 5 metres between buildings;
 - b. 6 metres from Dickey Street;
 - c. 8 metres from Rupert Street;
 - d. 6 metres from the southern and eastern property lines;
 - e. 6 metres from the common driveway;
4. One accessory structure be permitted on the property, subject to the relevant regulations of the Land Use Bylaw;
5. The end of the nearest building(s) facing either Rupert or Dickey Street contain at least one window and a false roof line be incorporated into the design;
6. Access to Rupert Street be substantially in accordance with the attached Schedule B, and to the satisfaction of the Development Officer;
7. No direct vehicular access to Dickey Street be permitted;
8. All driveway and parking areas be maintained with asphalt and kept clear of snow and otherwise be unobstructed at all times so as to be passable by emergency vehicles;
9. The driveway in front of each building be completed with a minimum 7 metre wide strip of asphalt for the entire length of the building, such work to be completed within 6 months of the occupancy permit for the said building being issued;
10. The base of the common driveway, including asphalt, be in accordance with the Town of Amherst Subdivision Bylaw & Development Standards.
11. A minimum of 8 common parking spaces shall be provided on the property;
12. A stop and street name sign be provided by the owner at the Rupert Street entrance to the property and any other traffic control signs be at the discretion and responsibility of the property owner;
13. No two adjacent buildings are to be the same color;
14. Water and sewer services be provided to the buildings in accordance with the Town of Amherst Subdivision Bylaw & Development Standards and the National Building Code;
15. Storm water on the site be channeled so as to not impact adjacent properties and so as not

to flow directly onto adjacent public streets and sidewalks;

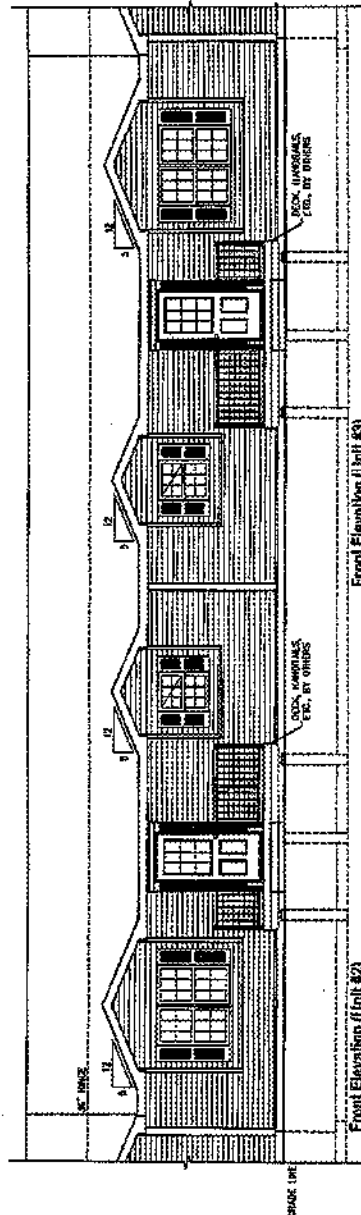
16. Separate water metres be installed for each dwelling unit in accordance with the Town of Amherst sewer bylaw;
17. A permanent stone sign, illustrating the name of the development, shall be located off Rupert Street, generally in the location indicated on Schedule B, prior to a building permit being issued for the third building on the property;
18. Each of the three front façade designs forming Schedule C of this agreement shall be applied to at least two of the nine buildings. Included in this agreement are the major features such as number of garages, roof lines, etc., the owner has the right to vary smaller details such as trim, size of windows, etc.;
19. Usual residential outdoor recreation apparatus shall be permitted on the property, subject to the applicable town bylaws and regulations;
20. Garbage pickup for all dwellings units on the property will be private, and the responsibility of the owner;
21. Landscaping be provided in accordance with the following:
 - a. A minimum of eight deciduous trees, a minimum of 2 metres in height, be planted along both Dickey and Rupert Streets at approximately equal intervals. Such planting is to take place prior to the issuance of the building permit for the third building;
 - b. A minimum of eight deciduous or coniferous trees, a minimum of 1.5 metres in height, be planted along both the southern and eastern interior property lines at approximately equal intervals. Such planting is to take place prior to the issuance of the building permit for the third building;
 - c. A minimum of one shrub or tree be planted in the front yard of each dwelling unit. Such planting is to take place within one growing season of the construction of the said unit.
 - d. Grass be maintained in all areas of the property not utilized for buildings, parking or walkways.



Front Elevation (Unit #2)
Optional Elevation "A"



Front Elevation (Unit #3)
Optional Elevation "B"



Front Elevation (Unit #3)
Optional Elevation "C"

Synopsis

Gritty to Pretty Beautification Program

An application for funding was submitted to the Department of Municipal Affairs to establish a program in Amherst that would offer grants for commercial property beautification and streetscaping projects, up to 50% of eligible expenses, to a maximum of \$5,000 per property. The Town of Amherst has been approved for \$25,000 grant. The DMA requires grant funding to be distributed through a partner organization and the Amherst & Area Chamber of Commerce is willing to administer the grant application, approval, and disbursement process.

Several commercial properties in Amherst could benefit from improvements to facades, signage, and exterior lighting. These improvements would enhance Amherst's tourism development.

There are no financial implications for the Town of Amherst, as the funding will be received by the Town and then disbursed to the partner organization.

MOTION:

That Council approve the Gritty to Pretty Beautification Program, and authorize entering into the attached MOU with the Amherst & Area Chamber of Commerce.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Rebecca Taylor, Business Development Officer

DATE: October 22, 2018

SUBJECT: Gritty to Pretty Beautification Program

ORIGIN: Recommendations in *Centre First: Downtown Amherst Action Strategy*, suggestions in the tourism assessment of the Northumberland Shore by Destination Development International (Roger Brooks), and a new Beautification and Streetscaping Program funding opportunity from Nova Scotia Department of Municipal Affairs.

LEGISLATIVE AUTHORITY: MGA Section 65 (m): *The council may expend money required by the municipality for promotion and attraction of institutions, industries and businesses, the stabilization and expansion of employment opportunities and the economic development of the municipality; and Section 47(5) The council may make and carry out a contract, perform an act, do any thing or provide a service for which the municipality or the council is authorized by an Act of the Legislature to spend or borrow money*

RECOMMENDATION: That Council approve the Gritty to Pretty Beautification Program and authorize staff to enter into the attached MOU with the Amherst & Area Chamber of Commerce.

BACKGROUND: The DMA's Beautification and Streetscaping Program is designed to support the development of attractive and inviting areas where visitors are enticed to spend money in a municipality. Key investments can rejuvenate areas, foster local pride, encourage economic development and enhance the character of municipalities.

Several commercial properties in Amherst could benefit from improvements to facades, signage, and exterior lighting. These improvements would enhance Amherst's tourism development.

DISCUSSION: An application for funding was submitted to the Department of Municipal Affairs to establish a program in Amherst that would offer grants for commercial property beautification and streetscaping projects, up to 50% of eligible expenses, to a maximum of \$5,000 per property. The Town of Amherst has been approved for \$25,000 grant. The DMA requires grant funding to be distributed through a partner organization and the Amherst & Area Chamber of Commerce is willing to administer the grant application, approval, and disbursement process.

FINANCIAL IMPLICATIONS: There are no financial implications for the Town of Amherst, as the funding will be received by the Town and then disbursed to the partner organization.



COMMUNITY ENGAGEMENT: Commercial property owners throughout Amherst were contacted through the process to determine an interest in participating. The Amherst & Area Chamber of Commerce and the Amherst Area Heritage Trust were consulted and are supportive of the concept.

ENVIRONMENTAL IMPLICATIONS: All work done through the program must comply with any applicable municipal, provincial, and federal environmental regulations.

ALTERNATIVES:

1. Approve the Gritty to Pretty Program.
2. Do not approve the Gritty to Pretty Program.

ATTACHMENTS:

1. Proposed Memorandum of Understanding
2. Proposed Design Guidelines & Information Package

Report prepared by: Rebecca Taylor, Business Development Officer
Report and Financial approved by:

Memorandum of Understanding

Between: Town of Amherst (“Town”)
And: Amherst & Area Chamber of Commerce (“Chamber”)
RE: Gritty to Pretty Program (“Program”)

Definitions

1. “Business premises” means any building used for a primary purpose other than residential use.
2. “Façade” means the street-facing exterior side of a commercial building.
3. “Program Area” means all business premises located within the Town of Amherst.
4. “Program” means the Gritty to Pretty beautification and streetscaping program.
5. “Chamber” means Amherst & Area Chamber of Commerce.
6. “Town” means the Town of Amherst.

Background

7. The Town of Amherst has successfully applied for financial assistance through the Nova Scotia government’s *Beautification and Streetscaping Program* to partner with a body corporate for the purpose of beautifying a business district with a specific focus on tourism attraction.
8. The Chamber is willing to partner with the Town of Amherst for the purpose of receiving the funding in order to promote and administer the program.

Commitment by the Town

9. The Town will provide funding to the Chamber by way of a grant in an amount up to \$25,000. The Town will provide support to the Chamber through its Business Development Officer, who will advise and consult with the Chamber regarding the program.
10. The Town shall provide and approve a “Gritty to Pretty Program Design Guidelines & Information Package” with all associated supplemental information, forms, and reference documents necessary for the Chamber to properly administer the project.
11. The Town will have the right to audit the records of the Chamber to ensure that the project is managed according to the objectives of the Town.
12. The Town will provide guidelines to the Chamber for the parameters of the project, including the types of businesses that may apply for a grant, the amount that may be applied for, and the type of

work that is eligible for a grant. In the event the Town makes any changes to the parameters of the project, the Town agrees to provide the Chamber with reasonable notice in order to implement the changes.

Commitment by the Chamber

13. The Chamber will appoint a program coordinator to administer and manage the project in accordance with the “Gritty to Pretty Program Design Guidelines & Information Package”.
14. The Chamber will take all steps necessary to manage the application process in a timely and comprehensive manner.
15. The Chamber will establish a project review committee made up of three members of the Chamber’s Executive Committee of the Board of Directors. The project review committee will approve projects based on criteria in the “Gritty to Pretty Program Design Guidelines & Information Package”.
16. The Chamber will authorize payments pursuant to the project upon obtaining satisfactory evidence of the completion of the work in accordance with the application submitted.
17. The Chamber will report to the Town on a monthly basis with respect to its progress and administration of the project.
18. The Chamber shall maintain all records, documents, reference material, permits, paid invoices received with respect to the project, and will permit the Town to audit the project in its entirety.
19. The project will provide funding of up to \$5,000 per building for beautification in keeping with the “Gritty to Pretty Design Guidelines & Information Package”, based on matching funds being contributed by the applicant. In-kind contributions or work by contractors with whom the applicant has an interest, as defined by the Municipal Conflict of Interest Act, shall not be eligible for consideration.
20. The Chamber shall maintain sufficient insurance for the purposes of implementing the project, and provide the Town with a certificate of insurance naming the Town of Amherst as an additional named insured.

Values

21. The Town and Chamber agree that the following values will apply to the project:
 - a. Citizen Engagement: The Town and Chamber will take all steps necessary to engage the citizens and business operators of the Town of Amherst to ensure that the project is successfully completed and improves the Town of Amherst as a whole.
 - b. Mutual Respect: The Town and Chamber hold the best interests of the Town of Amherst’s citizens and business operators at the forefront, and will mutually respect the other’s interest in the project.

- c. Sustainability: The Town and Chamber agree that the project shall be carried out in a manner that represents a more sustainable future for the Town of Amherst.
- d. Local Opportunities: The Town and Chamber agree to maximize the local benefits of the project undertaken to the extent possible.
- e. Transparency: The Town and Chamber agree that the use of public funds and decisions concerning the investment thereof should be open and transparent to stakeholders.

General Terms

- 22. This Memorandum of Understanding shall be adopted by the Town and by the Chamber and shall not be binding until so adopted.
- 23. The Chamber agrees that it shall adhere to the principals of accountability and transparency as required by the Town as set forward in the Municipal Government Act
- 24. This Memorandum of Understanding shall expire on June 30, 2019.

In witness whereof, the parties have properly executed this Agreement this _____ day of _____, 2018.

SIGNED, SEALED & DELIVERED)
 In the presence of:)
)
)
 _____)
 Witness)
)
)
)
)
)
)
)
)
 _____)
 Witness)

TOWN OF AMHERST

 Per:

AMHERST & AREA CHAMBER OF COMMERCE

 Per:

GRITTY TO PRETTY PROGRAM

Design Guidelines & Information Package



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INTRODUCTION

PURPOSE

The Gritty to Pretty Program encourages commercial building owners in Amherst to invest in beautification and streetscaping by providing matching grants to cover a portion of renovation costs. Projects enhance the interface between the public pedestrian space and commercial activities, and have a positive aesthetic impact with a specific focus on tourism attraction.

The program delivered as a partnership between the Town of Amherst and the Amherst & Area Chamber of Commerce, and is funded by the Nova Scotia Department of Municipal Affairs.

PROGRAM GOALS

- Make Amherst streets more inviting and interesting places to walk and shop.
- Help building owners attract and retain tenants.
- Build pride among the local business community.
- Contribute to the quality of life of residents, workers, and visitors.



GRANTS

GRANT ALLOCATION

Funding is allocated on a case-by-case basis. The program will consider up to 50% to a maximum of \$5,000 of eligible costs with the balance coming from the applicant or other sources.

Submitting an application does not guarantee a grant or a specific grant amount. All project proposals are subject to a comprehensive review and must meet high quality standards and reflect the spirit and intent of the design guidelines that follow.

CRITERIA

Applicants must meet the following criteria to be eligible for a grant through the program.

1. The participating building must be:
 - located in the Town of Amherst
 - oriented toward the street and pedestrian environment
 - assessed as a commercial property by the Property Valuation Services Corporation.
2. The applicant must be the property owner or a person legally designated by the property owner to submit the application and/or complete the project.
3. The participating building must be primarily used for commercial purposes.
4. The project must conform to the Town of Amherst Land Use Bylaw (Bylaw P-2) and to the design guidelines that are included in this document.
5. The current and proposed use of the building must be in compliance with the Land Use Bylaw.
5. Projects must be completed by March 31, 2019.



DESIGN GUIDELINES

PROJECTS EXEMPLIFY AMHERST'S CENTRE FIRST STRATEGY

While the Centre First Strategy was developed for the central core area of downtown Amherst, the design principles expressed in that document should be reflected in Gritty to Pretty projects throughout town. Consider:

- Unique artistic elements that reflect the character of a business and building.
- Texture, pattern, colour and interesting shapes.
- Projecting wall signs, spot lights, gooseneck light fixtures.
- Large windows that occupy at least 50% of any street fronting wall
- Awnings or overhangs.
- Large frontages (>12m) divided into sections by using different materials, projections, bays, roof changes, or colours.

BUILDINGS ARE BARRIER-FREE

As much as possible, your building should be accessible to every potential customer, regardless of their age or ability. Consider:

- Smooth ground level entrances.
- Doorways that are wide and open easily or automatically.
- Clearly-visible business signage and address.
- Handrails and contrast painting on the edge of all steps.

PROJECTS ADDRESS WINTER CONDITIONS

Projects are encouraged to incorporate design features that make it easier for people to embrace winter in Amherst. Consider:

- Awnings that offer shelter from falling snow but don't block sunshine.
- Warm, bright colours.
- Hardy landscaping that can provide colour and texture in winter months.
- Lighting to illuminate dark evenings.
- Non-slip materials for building entrances.

RENOVATIONS CONSIDER THE PRINCIPLES OF CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED).

The design should facilitate natural surveillance as a means to deter crime. Passersby should be able to see clearly into the storefront, and staff should be able to easily see outside the building. Desirable improvements include:

- Adding windows or increasing the size of existing windows.
- Using glass doors.
- Using clear glass rather than frosted or tinted glass.
- Decluttering windows of posters and signs.



ELIGIBLE IMPROVEMENTS

The Gritty to Pretty Program supports improvements to the first three stories of a building. The work must improve the building and adjacent pedestrian spaces by doing more than maintenance.

Building features eligible to be restored, renovated or constructed with grant dollars may include the following:

- Signage
- Beautification fixtures such as baskets, benches, bike racks, and planters
- Lighting
- Repair or reconstruction of building façade, windows, and doors
- Contracted labour (non-staff)
- Professional services
- Development permit fees

Ineligible costs include: land acquisition, purchase of equipment for project construction, operating costs, marketing plans and initiatives, ongoing maintenance costs, administration, in-kind contributions, or work by contractors with whom the applicant has an interest, as defined by the Municipal Conflict of Interest Act.



GRANT APPLICATION CHECKLIST

1. INITIAL SITE MEETING

- Prepare your ideas for the proposed project.
- Review the program criteria and design guidelines to make sure that your project conforms with the spirit of the program.
- Meet with the program coordinator to discuss your project plans and assess your eligibility.

2. APPLICATION

Prepare and submit an application package that includes the following:

- A Gritty to Pretty Program application form (attached to this document)
- A minimum of three “before” photos that show the entire façade, its context with surrounding buildings, and details of any façade components proposed to be altered through the project.
- A sketched design or rendering of planned improvements. Please identify colour, materials, lighting and all other proposed improvements.
- A project description that outlines the overall aim of the project, and any concerns or limitations to the current façade that will be addressed by the project.

3. PROJECT REVIEW COMMITTEE

Your project application will be presented to the Gritty to Pretty project review committee, who will respond with approval, approval with conditions, or refusal. Work with the program coordinator to address any of the questions or conditions that the committee has provided in response to your application.

4. PERMITS

Obtain all of the necessary permits prior to commencing the project. Town of Amherst staff are available to assist you with permit applications. Your project may require:

- Development permit (note: signage requires a development permit)
- Building permit



FUNDING AGREEMENT

The program coordinator will review your application information to determine the grant amount available for your project.

If your application is approved, the program coordinator will prepare a Funding Agreement (contract) to be signed by you and the Amherst & Area Chamber of Commerce. The Funding Agreement will include your project's maximum grant amount, rules

Prepare and submit a pre-construction package that includes the following:

- A copy of permit applications for your project
- A minimum of two quotes for all work proposed for the project
- A cost summary of the itemized breakdown of the improvements and the corresponding specific costs, and the selected vendor(s)/contractor(s).
- A project schedule that estimates the duration of your project, with relevant milestones.

Once permits and approvals in place, and your Funding Agreement is signed by all parties, you're ready to start construction of your Gritty to Pretty project.

Projects must be completed by March 31, 2019.



REIMBURSEMENT

Once your project is complete, follow these steps to arrange reimbursement of eligible expenses:

1. Contact the Town of Amherst building inspector to schedule a final construction inspection, as required by your building permit.
2. Prepare and submit a final report that includes the following:
 - A letter indicating that you believe the project is finished and that you are requesting a final inspection by a representative of the Gritty to Pretty Program.
 - A cost summary of the itemized breakdown of the improvements and the corresponding specific costs and the selected vendor(s)/contractor(s).
 - A minimum of three photos of your completed project, including at least one taken after dark.
 - Invoice(s) with demonstration of payment(s).
 - A copy of the final inspection report from the building official coordinator.
3. The program coordinator will contact you to schedule and conduct a final inspection to evaluate the completed project against the Reimbursement Agreement. (This is not the same as your final construction inspection and is required to initiate any final payment for your project.)
4. Once all requirements have been met, the program coordinator will prepare a reimbursement cheque consistent with the terms of the agreement. Cheques are generally issued two to four weeks after all final documentation is received.



CONTACT US

Contact us today to discuss your project or submit your application.

Program coordinator:
Ron Furlong, Executive Director

Amherst & Area Chamber of Commerce
5 Ratchford Street
Amherst, NS
B4H 1X2
(902) 667-8186
info@amherstchambers.ca

www.amherst.ca/grittytopretty.html



GRITTY TO PRETTY PROGRAM

Application Form

Applicant

Last name:

First name:

Name of business:

Mailing address:

Town:

Postal Code:

Phone number:

Email:

Applicant: Property Owner Business Owner

Property Information

Address:

PID:

Owner

If you are applying as a tenant of a building, please provide the following information and attach a letter of consent from the owner(s) stating that you are allowed to make the proposed changes to the building.

Last name:

First name:

Mailing address:

Town:

Postal Code:

Phone number:

Email:

I understand that my submission of an application does not constitute a guarantee for funding under the Gritty to Pretty Program, and disbursement of funds is entirely at the discretion of the Amherst & Area Chamber of Commerce. I certify that all information is true and accurate to the best of my knowledge, and if approved, work will be completed in accordance with the terms and conditions of the Funding Agreement entered into with the Amherst & Area Chamber of Commerce.

Applicant signature

Date

GRITTY TO PRETTY PROGRAM

Project Description

Description of Proposed Project (100 to 300 words. Attach a separate page if necessary.)

Attach required documents to application:

- Three photos of existing conditions
- Detailed specifications and associated costs
- Sketch design or rendering of proposed work
- Materials and colours

Cost Estimate for Eligible Improvements

Material cost:

Labour cost:

Professional services:

Permits:

Grant requested:

Approximate start and completion dates:

Building information

Number of storeys:

Total square feet:

Current use: Retail Office Restaurant Other commercial

Note: information collected in this application form is confidential and collected for the purpose of administering the Gritty to Pretty Program and to maintain communication as necessary. However, the name and location of the building and project designs may be released to various organizations, the media, and the public if the application receives a grant under the Gritty to Pretty Program.



Project Number: _____

This agreement is made and entered into this _____ day of _____, 2018,
by and between the Amherst & Area Chamber of Commerce (hereinafter, Chamber),
and _____ (Hereinafter Recipient).

WHEREAS, a need exists in the Town of Amherst to encourage the beautification of the streetscape, signage, and building facades; and

WHEREAS, such encouragement is provided by the financial incentive of a matching grant program; and

WHEREAS, such encouragement will assist in the economic revitalization of the Town of Amherst; and

WHEREAS, the Chamber is acting on behalf of the Town of Amherst to implement the goals and objectives of the Gritty to Pretty Program; and

WHEREAS, the parties have agreed to the terms of this Program, said terms to fulfill the purposes set forth herein,

NOW THEREFORE, the parties hereto agree as follows:

1. IMPROVEMENTS:

The Recipient shall undertake the improvements as set out in the attached approved grant application, which is incorporated herein by reference as if fully set out herein.

2. GRANT:

The Chamber shall reimburse the Recipient upon completion of the work and verification that the Recipient has paid the for materials, labour, and other eligible project costs. Said payment shall be equal to 50% of eligible expenses for approved work, but shall not exceed \$5,000.00 (Grant Funds) subject to the conditions and terms of this Agreement.

3. USE OF GRANT FUNDS:

Grant Funds shall be used only for Improvements approved by the Chamber. Any alterations, revisions or changes to the Improvements will be authorized and approved by the Gritty to Pretty project review committee. Failure to have alterations, revisions or changes approved in advance by the project review committee will result in the termination of this Agreement and forfeiture of the Grant Funds.

4. REIMBURSEMENT PROCEDURES:

Grant Funds shall be disbursed to the Recipient only when the Improvements are completed, inspected, and approved by the agent of the Chamber, as being in accordance with the approved project. Upon completion of the improvements, the Recipient shall submit an itemized invoice and evidence of payment thereof, with copies of all contractor's invoices to the program coordinator for payment by the Chamber. Payment will be made to the Recipient subject to the terms and conditions of this Agreement.

5. TIME OF PERFORMANCE:

All Improvements approved by the Chamber shall be completed by March 31, 2019.

6. RESPONSIBILITY OF RECIPIENT FOR CONTRACTOR'S OBLIGATIONS:

A. The Recipient's contractor (the Contractor) shall perform the work for the project set forth in the specifications attached hereto and made a part hereof, in a workmanlike manner and where applicable, in accordance with the regulations of the Building Code Act of the Province of Nova Scotia and the Town of Amherst Land Use By-law.

B. The contractor shall guarantee and warrant to the Chamber and to the Recipient all work performed by contractor for a period of 12 months against defects in workmanship and materials.

C. The Recipient or Contractor shall obtain and pay for all required permits and contractor's licenses and is to pay all required fees and taxes.

D. Contractor shall carry comprehensive general liability insurance, automobile liability insurance, Worker's Compensation Coverage at statutory limits, with minimum limits of \$1,000,000. The Chamber shall be named as an additional insured.

7. ADHERENCE TO DESIGN GUIDELINES:

Recipient shall adhere to the design guidelines of the Gritty to Pretty Program Design Guidelines & Information Package. Recipient acknowledges that unauthorized changes made to the approved design may endanger the receipt of the grant.

8. CHANGES TO IMPROVEMENTS:

Recipient shall make no substantial changes, other than ordinary maintenance, to the Improvements for five (5) years, unless any such changes are determined by the program coordinator to be consistent with the Design Guidelines, as determined by the program coordinator.

9. INDEMNIFICATION:

The Recipient does hereby indemnify and hold harmless the Amherst & Area Chamber of Commerce, the Town of Amherst, the Nova Scotia Department of Municipal Affairs, and their employees, agents, and the project review committee, from all claims made or actions against, or losses, damages, costs, and attorney's fee incurred as a result of, arising out of, or related to any intentional act or omission by the Recipient under, pursuant to, or in connection with, this Agreement and the work undertaken pursuant hereto.

10. TERMINATION:

This Agreement may be terminated by the Chamber or the Recipient upon written notification to the other party. Termination shall be effective upon delivery of such notification to the Chamber or the Recipient. In the event of termination by the Recipient, the Chamber shall be released of all obligations to the Recipient, but the Recipient's duty to indemnify shall survive the termination. No payment shall be made for any work if Recipient terminates this agreement.

11. PARTY RELATIONSHIPS:

The parties to this Agreement hereby acknowledge that nothing contained in this Agreement shall be deemed or construed by either of them, or by any third person or entity, to create any relationship of principal and agent, limited or general partnership, employer and employee, or joint venture, between the Chamber and Recipient, or to create any relationship of third-party beneficiary in favour of a person or entity not a party to this Agreement, including contractors and suppliers.

12. ENTIRE AGREEMENT:

This Agreement constitutes the entire Agreement of the parties hereto. It shall supersede all prior offers, negotiations, and agreements. No revision of this Agreement shall be valid unless made in writing and signed by the parties hereto.

13. NOTICE:

All notices and correspondence shall be sent to the following addresses, unless written notification to the contrary is received:

Ron Furlong, Executive Director
Amherst & Area Chamber of Commerce
5 Ratchford St., Amherst Nova Scotia B4H 1X2

14. REMEDIES:

In the event the Recipient does not perform under the terms of this Agreement, the Chamber shall be entitled to its remedies at law and in equity, in addition to liquidated damages equal in amount to the Grant Funds, if said Grant Funds have been disbursed.

15. GOVERNING LAW:

This Agreement shall be governed by laws of the Province of Nova Scotia.

By: _____ Date: _____

Recipient

By: _____ Date: _____

Amherst & Area Chamber of Commerce

Synopsis

Amherst Youth Town Council Appointments

In accordance with the Amherst Youth Town Council Policy, a total of 12 youth can be appointed to the AYTC with up to 3 youth residing in the County of Cumberland. Appointments effective for the 2018-19 school year are for two-year terms. Involving youth in the community adds value to the community and youth development. It empowers youth to be engaged and provides the opportunity for a voice, as well as influencing decisions regarding youth issues. The AYTC is the voice for youth to Town Council.

MOTION:

That Council approve the following appointments to the Amherst Youth Town Council:

- **Reappoint returning members to serve a two-year term, 2018-19 and 2019-20:**
 - **Jenna Clark**
- **Appoint new members to serve a two-year term:**
 - **Samantha Dimichele**



AMHERST TOWN COUNCIL

RFD# 2018145

Date: October 22, 2018

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Bill Schurman, Director of Recreation

DATE: October 22, 2018

SUBJECT: Amherst Youth Town Council – Annual Appointments

ORIGIN: Annual appointments to the Amherst Youth Town Council.

LEGISLATIVE AUTHORITY: Authority is provided under Policy 10350-21, Amherst Youth Town Council.

RECOMMENDATION: That Council approve the following additional appointments to the Amherst Youth Town Council:

- Reappoint returning member to serve a two-year term, 2018-19 and 2019-20:
 - o Jenna Clark
- Appoint new member to serve a two-year term:
 - o Samatha Dimichele

BACKGROUND: In accordance with the Amherst Youth Town Council Policy, a total of 12 youth can be appointed to the AYTC with up to 3 youth residing in the County of Cumberland. Appointments effective for the 2018-19 school year are for two-year terms. On September 24th council appointed ten (10) AYTC members. Since the initial appointments two (2) additional applications have been received.

DISCUSSION: Involving youth in the community adds value to the community and youth development. It empowers youth to be engaged and provides the opportunity for a voice, as well as influencing decisions regarding youth issues. The AYTC is the voice for youth to Town Council.

- Appointed September 24th

o Rohin Minocha-McKenney	Grade 12 – Amherst Resident
o Allie Degenstein	Grade 12 – Amherst Resident
o Olivia Pulsifer	Grade 9 – Amherst Resident
o Rajan McKenney	Grade 10 – Amherst Resident
o Mason Carter	Grade 12 – County Resident
o Grace Doncaster	Grade 10 – Amherst Resident
o Braeden Lines	Grade 10 – Amherst Resident
o Salem Dimichele	Grade 7 – Amherst Resident
o Adrianna O’Quinn	Grade 12 – County Resident
o Dan Osborne	Grade 10 – Amherst Resident



DEPARTMENT: ALL TOWN DEPARTMENTS

TITLE: Amherst Youth Town Council Policy

Minutes reference date: 25 May, 2010 24 October, 2011 25 November, 2013 October 23, 2017
25 June, 2018

PURPOSE:

To establish a policy for the governance of the Amherst Youth Town Council.

BASIS:

The Amherst Youth Town Council will act as an advisory body to Town Council on those matters within the influence of the Town of Amherst which have an impact on the youth of the Town, regardless of their cultural and religious identity, socio-economic background, intellectual and physical abilities, sexuality or gender. The Amherst Youth Town Council will improve the image of the Town of Amherst by raising the profile of the Town’s youth. The Council will create community awareness of youth facilities, youth services, youth organizations and the opportunities and programs they provide.

ROLE OF COMMITTEE:

1. The Amherst Youth Town Council will identify and bring forward issues which have an impact on the youth of Amherst and, while *indirectly* under the control of the Town of Amherst, may be of sufficient significance to warrant the Town’s consideration or support.
2. The Amherst Youth Town Council shall encourage its members to become more familiar with the workings of local government through education, involvement and participation *in council meetings*.
3. The Amherst Youth Town Council will, through researching issues and presenting constructive solutions, act as a realistic advocate for the youth of our community.
4. The Amherst Youth Town Council will endeavor to participate actively in community events and activities, as well as host events they deem fit, in Amherst, and through this involvement, foster a positive image for all young people.
5. The Amherst Youth Town Council may address, foster discussion, or make recommendations to Town Council on issues that they believe need to be addressed for the benefit of the youth.

MEMBERSHIP:

1. The Council shall appoint members of the Amherst Youth Town Council by resolution.
2. The maximum number of appointees on the Amherst Youth Town Council is 12.
3. Members shall be students attending Amherst schools from grade 7 to 12 with a maximum of three members being county residents.
4. The term for citizen youth appointees shall be two years and members may be reappointed to the committee without limitations. Members who do not complete their two year term may be replaced, with their replacement finishing their term and eligible for reappointment without limitations. Citizen appointee terms shall commence November 1st annually.
5. In June of each year, advertisement for expression of interest will be posted using appropriate media to reach youth. Council will appoint members for the new term prior to the end of October each year.

MEETINGS:

1. Meetings will be scheduled by the *Junior Mayor*, in consultation with staff and fellow members. Generally, meetings will commence at 3:05pm at an accessible location.
2. The committee will meet bi-monthly or as required. Each month a member of the Amherst Youth Town Council will attend an Amherst Town Council regular meeting.
3. *All meetings are open to the public. If local organizations wish to present to the Amherst Youth Town Council they must previously inform the elected Junior Mayor of their presentation plans.
4. *All members of the Amherst Youth Town Council are required to notify a member of the executive committee if they are to miss a meeting. If two meetings are missed without regrets sent, the committee will discuss attendance improvement for that individual.

Synopsis

LUB & MPS Amendments

The property owner of 283 & 295 Church Street has requested a zoning change from Industrial to Highway Commercial to allow a portion of the existing building to be used for residential purposes. Residential uses are not a permitted use in the Industrial Zone but are permitted in the Highway Commercial Zone.

The Planning Advisory Committee considered the proposed amendments, held a public participation opportunity, and subsequently recommended that Council adopt the amendments. On June 25, 2018 Council gave first reading, and a public hearing was held prior to the regular meeting of Council on October 22, 2018.

MOTION 1:

That Council approve second reading of a Bylaw P-1-8 to amend the Municipal Planning Strategy to change the designation of 283 & 295 Church Street (PID 25014648 & PID 25014655) from Industrial to Commercial on the Future Land Use Designations Map.

MOTION 2:

That Council approve second reading of a Bylaw P-2-23 to amend the Land Use Bylaw to change the zoning of 283 & 295 Church Street (PID 25014648 & PID 25014655) from Industrial to Highway Commercial.



AMHERST TOWN COUNCIL

RFPD# 2018142

Date: October 22, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Andrew Fisher, Manager of Planning & Strategic Initiatives

DATE: October 22, 2018

SUBJECT: **Application to Amend the MPS Future Land Use Designation Map and LUB Zoning Map**

SUBJECT: Application to amend the MPS Future Land Use Designation Map and LUB Zoning Map to change the zone for 283 & 295 Church Street from Industrial to Highway Commercial.

RECOMMENDATION OF THE PLANNING ADVISORY COMMITTEE: That Council amend the Municipal Planning Strategy Schedule 'A' Future Land Use Designations Map by changing 283 & 295 Church Street from Industrial to Highway Commercial, and amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the same properties from the Industrial Zone to the Highway Commercial Zone.

NEXT COURSE OF ACTION: Give Second Reading of the amendment.

PLANNING MANAGER COMMENTS: All relevant policies and procedures have been followed with respect to LUB & MPS amendments. A Public Participation Opportunity was held at the June 4, 2018 meeting of the PAC with no objections from the four people in attendance. First Reading was given approval at the June 25, 2018 regular meeting of Council.

RECOMMENDATION: Report/Document: **Attached** Available ___ Nil ___
Staff report to PAC.

KEY ISSUE(S) CONCEPTS DEFINED: The subject properties are approximately 7 acres and 1.8 acres in area. The larger parcel contains a former manufacturing plant approximately 8,830 m² (95,000 sqft) in area, and the smaller parcel, approximately 1.7 acres, is vacant except for a fence. The former manufacturing area of the building is currently used for storage space, rental and warehousing. Approximately 483 m² (5,200 sqft) of the front part of the building is a 1-storey office space. The subject properties are surrounded by pasture, single detached dwellings, and a leased land community. The property owner wants to convert a portion of the offices to a residential unit. Residential uses are not a permitted use in the Industrial Zone but are permitted in the Highway Commercial Zone.

RELEVANT POLICY:
MPS 2.3.1 General Land Use and Development



A Generalized Future Land Use Map has been created which identifies the desired future land uses within the Town. To a large degree this map reflects the existing land use pattern of the built-up areas of the Town.

Policy CP-6 is relevant as it states Council's intention to allow light industrial and residential uses within commercial designations (ie. Zones).

Policy A-5 lists the overall matters that should be considered in relation to any potential planning document amendment and the most relevant sections are:

(a) **That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.**

(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.**

Staff feel this rezoning request conforms to general intent of the MPS and other regulations and does not represent a significant potential impact on the surrounding area over and above the current situation. The subject properties are surrounded by the Highway Commercial Zone so the rezoning would be a logical extension of this zone. It could also be argued that having a residential use onsite could increase security in the area.

It is important to consider and compare the uses permitted in the Industrial and Highway Commercial Zones. A positive outcome to changing to Highway Commercial is that it continues to allow light industrial uses but not heavier industry that might not be appropriate in close proximity to residential uses. Conversely, the Highway Commercial Zone permits almost any commercial use, including retail and vehicle-oriented uses. The main impacts of these permitted uses could be increased traffic and activity; however, the risk of negative impacts to the surrounding area are relatively low. The properties are located on an arterial street and the site was originally designed for a large-scale industrial use.

RESPONSE OPTIONS:

1. Give second and final reading of the amendments;
2. Reject the rezoning request;
3. Defer a decision and direct staff to provide more information.

IMPLICATIONS OF PAC RECOMMENDATION:

GENERAL: The recommendation of the PAC, which followed an advertised Public Participation Opportunity, is in general keeping with MPS policies.

COMMUNICATION: Upon second reading, the right to appeal will be advertised, following which the Provincial Director of Planning will be given notice of the amendment.

OTHER COMMENTS:

Submitted by: Andrew Fisher, Manager of Planning & Strategic Initiatives

Reviewed by:

Town of Amherst

By-Law P-2-23 to amend the Land Use By-Law, P-2

1. This purpose of this by-law is to amend the Land Use By-Law of the Town of Amherst to apply the Highway Commercial Zone to the properties identified by PID 25014648 & 25014655.

2. The Land Use By-Law of the Town of Amherst is hereby amended as follows:

Schedule A – Zoning Map – is amended by applying the Highway Commercial Zone to the properties identified by PID 25014648 & 25014655.

Clerk's Annotation for Official By-Law Book

Date of First Reading: 20180625

Date of Notice of Intent to Consider: 20181003 & 20181010

Date of Second Reading: 20181022

Date of Advertisement/Notice of Publication (to be published following Ministerial approval) _____

Date of mailing to Minister a certified copy: _____

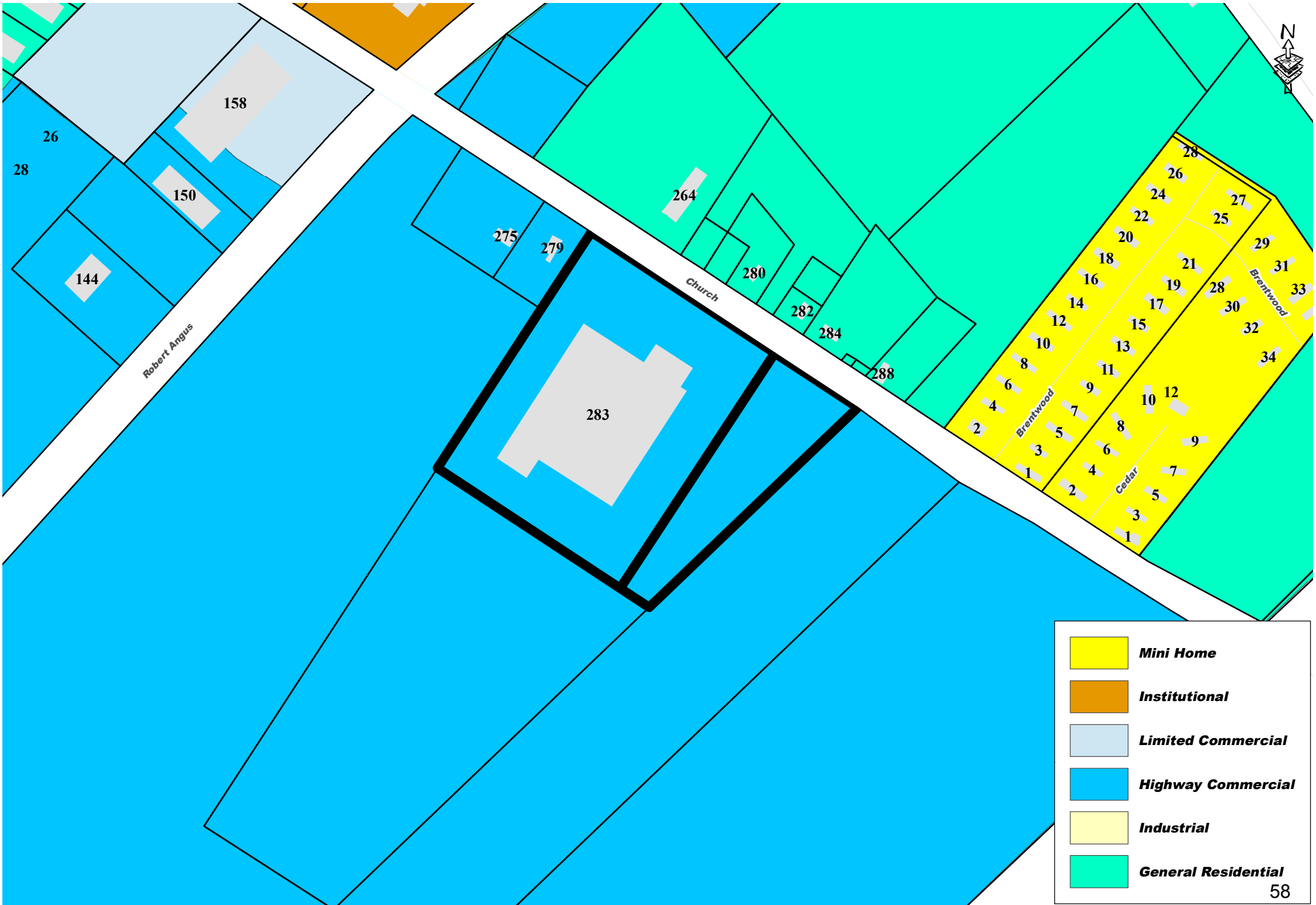
I certify that this **By-Law P-2-23, a By-Law to Amend the Land Use By-Law**, was adopted by Council and published as indicated above.







Kimberlee Jones
Municipal Clerk

_____ Date _____

*Effective Date of the By-Law unless otherwise specified in the text of the By-Law.

Excerpt from Land Use Bylaw - Schedule "A" Zoning Map



	Mini Home
	Institutional
	Limited Commercial
	Highway Commercial
	Industrial
	General Residential

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Town of Amherst

By-Law to Amend the Municipal Planning Strategy By-Law P-1-8

1. This is a by-law to amend the Municipal Planning Strategy of the Town of Amherst to change the designation of 283 & 295 Church Street (PID 25014648 & 25014655) from Industrial to Highway Commercial.
2. The Municipal Planning Strategy of the Town of Amherst is hereby amended by changing the designation for 283 & 295 Church Street (PID 25014648 & 25014655) from Industrial to Highway Commercial in the Future Land Use Designations Map.

Clerk's Annotation for Official By-Law Book

Date of First Reading: 20180625

Date of Notice of Intent to Consider: 20181003 & 20181010

Date of Second Reading: 20181022

Date of Advertisement/Notice of Publication (to be published following Ministerial approval) _____

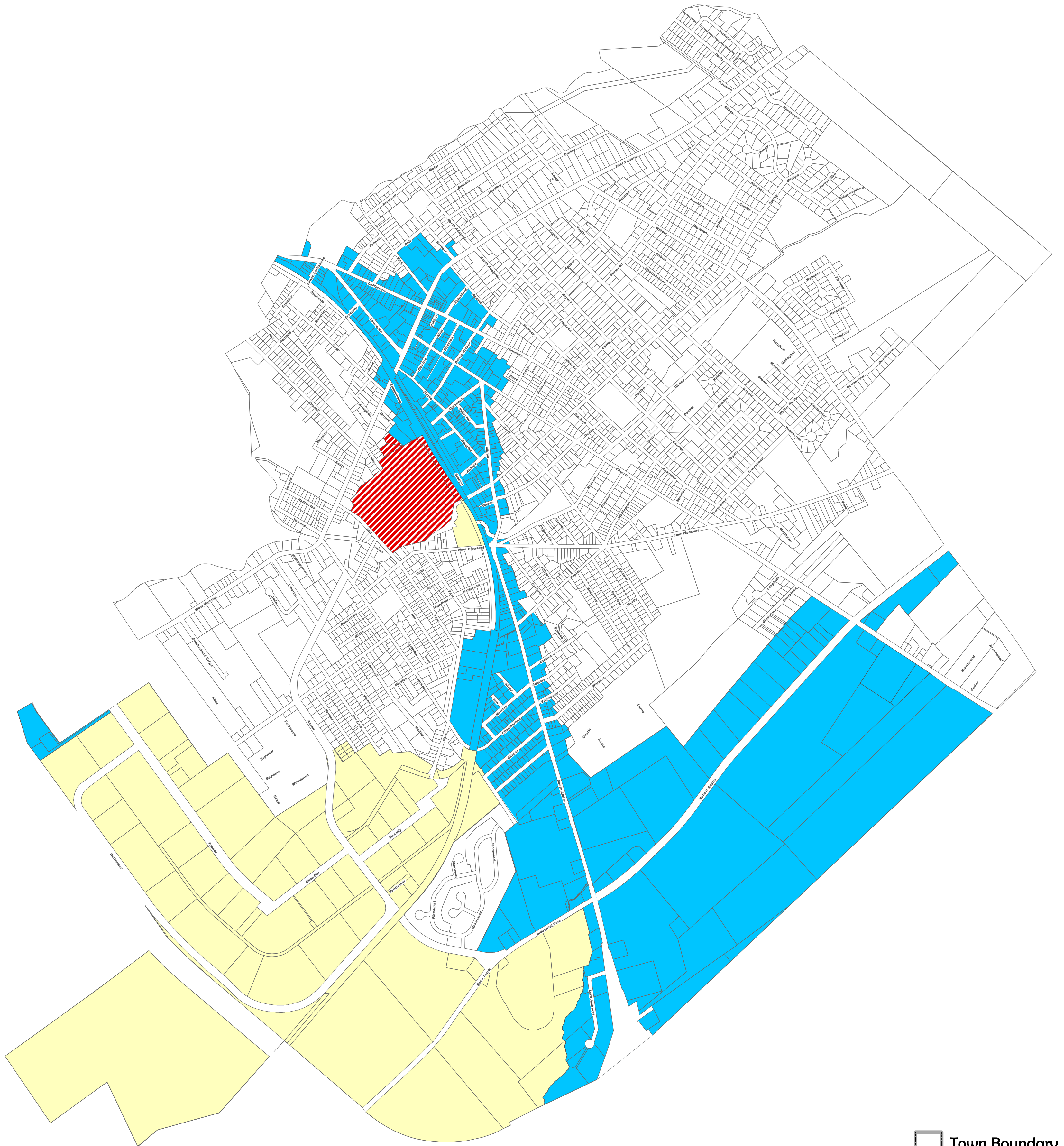
Date of mailing to Minister a certified copy: _____






I certify that this **By-Law P-1-8, a By-Law to Amend the Municipal Planning Strategy**, was adopted by Council and published as indicated above.

Kimberlee Jones
Municipal Clerk

Date

*Effective Date of the By-Law unless otherwise specified in the text of the By-Law.



-  Town Boundary
-  Residential
-  Industrial
-  Commercial
-  CDD

Town of Amherst Municipal Planning Strategy - Schedule A
 Future Land Use Designations



To: Planning Advisory Committee
From: Andrew Fisher, Manager of Planning & Strategic Initiatives
Date: June 4, 2018
Subject: **Planning Strategy Future Land Use Map & Land Use Bylaw Map Amendment – 283-295 Church Street Rezoning**

INTRODUCTION:

An application by the property owner of 283 & 295 Church Street (PID 25014648 & 25014655) to change the zoning from Industrial to Highway Commercial. The zoning change is being requested to allow a portion of the existing building to be used for a residential purpose.

This rezoning request also requires an amendment to the Future Land Use Designations Map of the Municipal Planning Strategy (MPS).

BACKGROUND:

The subject properties are approximately 7 acres and 1.8 acres in area. The larger parcel contains a former manufacturing plant approximately 8,830 m² (95,000 sqft) in area, and the smaller parcel, approximately 1.7 acres, is vacant except for a fence. The former manufacturing area of the building is currently used for storage space rental and warehousing. Approximately 483 m² (5,200 sqft) of the front part of the building is a 1-storey office space. The property owner wants to convert a portion of the offices to a residential unit.

Adjacent uses include single-detached dwellings to the northwest, and directly across the street. Farm fields surround the rear of the properties, and soccer fields to the southeast. Also, to the southeast and across the street is a mobile home park (Brentwood Estates). As shown on the attached map, the lands surrounding the subject properties are zoned Highway Commercial. The lands across the street are zoned General Residential, and Mini Home.

Residential uses are not a permitted use in the Industrial Zone but are permitted in the Highway Commercial Zone. As proposed, conversion of the building for residential purposes would be internal only with no significant change to the building exterior. The bulk of the building and the property would continue to be used for commercial purposes.

Attached are excerpts from the Land Use Bylaw (LUB) showing the permitted uses for the Industrial and Highway Commercial Zones.

RELEVANT POLICY AND DISCUSSION:

The Municipal Planning Strategy (MPS) contains the general development policies that guide the detailed regulations set out in the Land Use Bylaw (LUB). Likewise, the Future Land Use Designations Map prescribes the locations for general groups of uses, and the LUB Zoning Map provides detailed zoning on specific properties. As noted in the MPS policies below, the Future Land Use Designations Map mostly reflects the existing land uses in Town. As such, the subject properties were designated Industrial, shown in yellow on the attached map.

Amending the MPS Map does not significantly change the circumstances of this rezoning request. The biggest difference lies in how the amendment is administered, in that the MPS amendment is subject to review by the Provincial Director of Planning. An LUB amendment with no MPS amendment does not require Provincial Director of Planning review.

The following MPS policies establish the context for the Future Land Designations Map.

MPS 2.3.1 General Land Use and Development

The general land use and development objectives of this plan strive to ensure that an adequate supply of land exists for all land uses within the Town. A Generalized Future Land Use Map has been created which identifies the desired future land uses within the Town. To a large degree this map reflects the existing land use pattern of the built-up areas of the Town.

MPS 3.1 General Land Use Policies

<i>Generalized Future Land Use Map</i>	GP-1 <i>It shall be the intention of Council to provide for the overall development of the Town in accordance with the Generalized Future Land Use Map which constitutes Schedule A of this document.</i>
	GP-2 <i>It shall be the intention of Council to designate on the Generalized Future Land Use Map areas to be predominantly used for residential, commercial, industrial and other purposes.</i>
	GP-3 <i>It shall be the intention of Council to allow a limited range of compatible uses in each designation, subject to the policies of this document.</i>

Any LUB amendment must be in keeping with the general intent of the Municipal Planning Strategy (MPS). The following MPS policies are most relevant to this request to amend the LUB Zoning Map.

Policy CP-6 is relevant as it states Council's intention to allow light industrial and residential uses within commercial designations (ie. Zones).

<i>Compatible Uses</i>	<p>CP-6 <i>It shall be the intention of Council to ensure that areas designated Commercial are primarily used for commercial purposes. Within designated commercial areas other uses which may be permitted include:</i></p> <ul style="list-style-type: none"> <i>(a) residential uses;</i> <i>(b) light industry;</i> <i>(c) parks and open spaces;</i> <i>(d) recreation facilities;</i> <i>(e) institutional uses and public buildings;</i> <i>(f) utilities and other such uses deemed to be compatible and desirable within a commercial area.</i>
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Policy A-5 lists the overall matters that should be considered in relation to any potential planning document amendment and the most relevant sections are provided in bold font.

<p><i>Amendment Criteria</i></p>	<p>A-5 <i>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:</i></p> <p>(a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.</p> <p>(b) That the proposal is not premature or inappropriate by reason of:</p> <p><i>(i) the financial capability of the Town to absorb any costs relating to the development;</i></p> <p><i>(ii) the adequacy of municipal water, sanitary sewer and storm sewer services;</i></p> <p><i>(iii) the adequacy of road networks, in, adjacent to, or leading to the development;</i></p> <p>(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:</p> <p>(i) type of use;</p> <p>(ii) height, bulk and lot coverage of any proposed building;</p> <p>(iii) parking, traffic generation, access to and egress from the site;</p> <p>(iv) any other matter of planning concern outlined in this strategy.</p>
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Per the Procedure for Public Participation and Notification, notices of the Public Participation Opportunity were mailed to owners of property within 60 metres, and hand-delivered to occupants within 30 metres. Notice was also placed in the local newspaper. As of the time of writing one question was received and no submissions for or against the zoning change had been received.

CONCLUSIONS:

Staff feel this rezoning request conforms to general intent of the MPS and other regulations and does not represent a significant potential impact on the surrounding area over and above the current situation. The subject properties are surrounded by the Highway Commercial Zone so the rezoning would be a logical extension. It could also be argued that having a residential use onsite could increase security in the area.

As noted above the MPS Future Land Designations Map is intended to outline the location and type of uses that guide detailed zoning in the LUB Zoning Map. The circumstances of this particular rezoning request are not substantially changed by the need to amend the MPS map. It could be characterized as a 'housekeeping' issue.

It is important to consider and compare the uses permitted in the Industrial and Highway Commercial Zones. A positive outcome to changing to Highway Commercial is that it continues to allow light industrial uses but not heavier industry that might not be appropriate in close proximity to residential uses. Conversely, the Highway Commercial Zone permits almost any commercial use, including retail and vehicle-oriented uses. The main impacts of these permitted uses could be increased traffic and activity; however, the risk of negative impacts to the

surrounding area are relatively low. The properties are located on a arterial street and the site was originally designed for a large-scale industrial use.

MOTION OPTIONS:

Option One: I move that the Planning Advisory Committee recommend that Council amend the Municipal Planning Strategy Schedule 'A' Future Land Use Designations Map by changing 283 & 295 Church Street from Industrial to Commercial, and amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the same properties from the Industrial Zone to the Highway Commercial Zone.

Option Two: I move that the Planning Advisory Committee recommend that Council **not** amend the Municipal Planning Strategy Schedule 'A' Future Land Use Designations Map by changing 283 & 295 Church Street from Industrial to Commercial, and amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the same properties from the Industrial Zone to the Highway Commercial Zone.

Option Three: I move that the Planning Advisory Committee defer the application and instruct Staff to provide more information.

STAFF RECOMMENDATION: Option One.

Synopsis

Development Agreement Application

99 West Victoria Street

An application has been received by the property owner of 99 West Victoria Street for a Development Agreement that would permit a garden suite (aka in-law suite) in the rear yard of the subject property. The Planning Advisory Committee held a Public Participation Opportunity on August 13, 2018, and subsequently passed the following motion:

“That Council recommend entering into the proposed Development Agreement for 99 West Victoria Street as drafted by staff, subject to any revisions that may arise during the public hearing”.

Council gave first reading to the Development Agreement at the September 24, 2018 meeting of Council. An advertised public hearing was held immediately prior to the October 22, 2018 meeting of Council.

MOTION:

That Council approve second reading of the Development Agreement for 99 West Victoria Street that would permit a garden suite in the rear yard of the subject property.



AMHERST TOWN COUNCIL

RFPD# 2018143

Date: October 22, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Andrew Fisher, Manager of Planning & Strategic Initiatives

DATE: October 22, 2018

SUBJECT: **99 West Victoria Street Development Agreement Application**

ORIGIN: Application by the property owner of 99 West Victoria Street for a Development Agreement that would permit a garden suite (aka in-law suite) in the rear yard of the subject property.

RECOMMENDATION OF THE PLANNING ADVISORY COMMITTEE: That Council give second reading to the proposed Development Agreement for 99 West Victoria Street.

PLANNING DIRECTOR COMMENTS:

RECOMMENDATION: Report/Document: Attached Available ___ Nil ___
Staff report to PAC.

KEY ISSUE(S) CONCEPTS DEFINED:

Site Details: The subject property is approximately 2,861 m² (0.7 acre), and contains a converted 2-unit dwelling, and two accessory buildings. The property is bordered by marshland to the west and north, with an adjacent single detached dwelling to the east. Single detached, and low-density apartment dwellings exist across the street. The subject property and those that surround it are zoned General Residential, except for nearby Liberty Lane, which is in the Mini Home Zone.

Proposal Details: The proposed single-story garden suite is 109 m² (1,176 sqft (42 ft. x 28 ft.)) in area and will be located approximately 14 m (46 ft) behind the main dwelling. At its nearest point, the garden suite would be located approximately 20 metres (65 ft.) from the dwelling next door. Please see the attached site plan and building elevations for further reference.

The existing driveway can accommodate approximately 6 vehicles, which exceeds the minimum requirements for parking under the LUB. The garden suite would be serviced separate from the main dwelling with water from West Victoria, and a separate sanitary connection would be made to the sewer main that runs along the back of the property.

RELEVANT POLICY: As per LUB Section 3.8, staff confirm that notification was completed as per the Town's Public Notification Policy.

The following provides the Municipal Planning Strategy (MPS) policies most relevant to consideration of garden suites. Staff comment is provided below each section.



RP-14 It shall be the intention of Council to permit Garden Suites in all Residential areas by Development Agreement. In negotiating such an agreement Council shall have regard for the following:

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

The size and proposed location of the garden suite meets all the above noted criteria. Aside from a basement apartment (not listed in subsection (h)), there are no secondary uses on the property.

RP-11 It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:

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

Garden suites address housing affordability by allowing seniors to remain independent longer while having family support close by. In addition to the affordability benefits, garden suites can also come with social benefits by reducing demand on local health and support services.

RP-8 It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.

The proposed garden suite would add to, but would not stand out in, the existing mix of housing types and densities in this area.

A-5 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.

Staff feel the proposed garden suite conforms to the intent of the Town's MPS, and other regulations. The potential for negative impact on the Town's financial capacity, infrastructure, or street networks is negligible. Given the size of the subject lot, ample separation from the adjacent dwelling, and ample parking, the impact on nearby land uses would also be negligible.

RESPONSE OPTIONS:

1. Give second and final reading of the development agreement;
2. Reject the application;
3. Defer a decision and direct staff to provide more information.

IMPLICATIONS OF PAC RECOMMENDATION:

GENERAL: The recommendation of the PAC, which followed an advertised Public Participation Opportunity, is in general keeping with MPS policies.

FOLLOW UP ACTION: Following second reading, Notice of Approval with the right to appeal will be posted in the Amherst Newspaper. A certified copy will be sent to the Minister.

COMMUNICATION: The Planning Advisory Committee held a Public Participation Opportunity on August 13, 2018. Council gave first reading to the Development Agreement at the September 24, 2018 meeting of Council. An advertised public hearing was held immediately prior to the October 22, 2018 meeting of Council.

OTHER COMMENTS:

Submitted by: Andrew Fisher, Manager of Planning & Strategic Initiatives

Reviewed by: CAO

SCHEDULE 'B'



This Agreement made this _____ Day of _____ 2018.

Between:

Jeffrey Bembridge and Valarie Cousins (owner of property located at 99 West Victoria Street [PID 25000589], hereinafter called the "Owner"),

of the one part, and

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

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP- 14 of the Municipal Planning Strategy of the Town of Amherst, to locate a Garden Suite Dwelling on the property located at 99 West Victoria Street (PID 25000589).

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 _____ 2018, 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' - Site Plan
- (c) Schedule 'C' – Building Elevation

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 locate a Garden Suite Dwelling on said lands.
- 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) This Agreement shall be discharged upon the Garden Suite being removed from the Lands.
- 7) 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.
- 8) This 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*.

SIGNED, SEALED AND DELIVERED

In the presence of

THE TOWN OF AMHERST

David Kogon MD, Mayor

Gregory D. Herrett, CAO

FOR THE OWNER

Valarie Cousins

Jeffrey Bembridge

Schedule A

99 West Victoria Street - Development Agreement

Terms and Conditions:

1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the property shall be limited to a converted two-unit main dwelling and one (1) Garden Suite dwelling in the approximate location as shown on Schedule 'B'.
- 1.2 A minimum of one (1) parking space shall be provided for each dwelling unit on the Lands.
- 1.3 Accessory buildings and uses may be permitted on the Lands in accordance with the *Town of Amherst Land Use Bylaw*.
- 1.4 The Garden Suite dwelling shall have dimensions of approximately 13 metres by 8.5 metres.
- 1.5 The Garden Suite dwelling shall generally conform to the designs shown on Schedule 'C'. Variations to the architectural details shall not be considered a substantial change to this agreement.

2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Lands and buildings and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.

SCHEDULE 'B'



Synopsis

Keeping of Chickens within Town Limits

Currently the Land Use Bylaw includes chickens under the definition of an Agricultural Animal (LUB section 1.0 (7)). Section 4.3 of the Bylaw prohibits the keeping of Agricultural Animals in town, except for three specified land parcels that contain existing pasture along Robert Angus Drive (McInnis' farm).

The Planning Advisory Committee held a Public Participation Opportunity in October, with approximately 18 residents in attendance, and has received five written submissions.

After considering all of the information presented the Planning Advisory Committee approved the following motion: *"That the Planning Advisory Committee recommend that Council not amend the Land Use Bylaw to allow chickens"*

MOTION:

That Council accept the recommendation of the Planning Advisory Committee and not amend the Land Use Bylaw to allow chickens within Town limits.

REQUEST FOR PLANNING DECISION

RPD# 2018141

Date: October 22, 2018

SUBJECT: Amendments to the Land Use Bylaw to allow the Keeping of Chickens within Town Limits.

RECOMMENDATION OF THE PLANNING ADVISORY COMMITTEE: That Council not amend the Land Use Bylaw to allow chickens.

NEXT COURSE OF ACTION: Should the recommendation of the PAC be accepted, no further action is required. If the recommendation is rejected and first reading is approved, schedule a public hearing and consider second reading of the amendments.

PLANNING MANAGER COMMENTS: The PAC considered this matter in August, then held a Public Participation Opportunity (PPO) in September that was advertised per the Policy for Public Notifications. There were approximately 18 residents that attended the PPO along with five written submissions. In summary of the verbal comments, one expressed that they were not against keeping chickens but felt the draft regulations needed improvements. Most attendees expressed concerns about enforcement and compliance and felt there bylaws already in place are not adequately enforced. Some felt that keeping chickens in town is not appropriate and allowing them will create problems. Those in favour of allowing chickens felt the issue is being blown out of proportion relative to the presence of other animals in town, including dogs and cats. There was general agreement with the intent of the draft regulations, although it was expressed that the potential negative impact of 6 hens would be negligible.

RECOMMENDATION: Report/Document: *Attached PAC report and draft Bylaw amendments*

KEY ISSUE(S) CONCEPTS DEFINED: The attached draft amendment takes into account PAC's direction and incorporates regulations from other jurisdictions, particularly those of Moncton and Fredericton. These cities underwent pilot projects before establishing their regulations. The requirements were also cross referenced with a Best Practices Manual for Chicken-Keepers created by the chicken-keeping community of New Haven, Connecticut. The draft amendments shown in the Attachment would allow chickens, subject to the following:

1. Option A – no minimum lot area Option B - minimum lot area 1/2 acre (2,023 m²)
2. Minimum setbacks of 3 metres of any property line, and 10 metres from adjacent dwellings
3. Single detached dwellings only
4. Maximum of 6 hens, roosters are prohibited
5. No sale of products, and no slaughtering
6. Minimum coop requirements that reflect best practice
7. Provisions to control manure and food storage.
8. Screened requirements from the street and adjacent dwellings.

In developing the draft amendment, staff contacted a selection of other municipalities that allow chickens within their jurisdiction. While some noted minor isolated issues, most municipalities reported no significant problems.

A key consideration of this issue relates to ongoing enforcement. While the Development Permit process is intended to ensure the location and details of the chicken coop meet the LUB regulations at the time of construction, ongoing maintenance and treatment of the animals will be a determining factor around whether the practice is a nuisance to neighbouring properties. As such, ongoing enforcement may have an impact on staff capacity and resources.

RELEVANT POLICY: Currently the Land Use Bylaw includes chickens under the definition of an Agricultural Animal (LUB section 1.0 (7)). Section 4.3 of the Bylaw prohibits the keeping of Agricultural Animals in town, except for three specified land parcels that contain existing pasture along Robert Angus Drive (McInnis' farm).

RESPONSE OPTIONS:

1. Give First Reading of Option A or Option B of the draft amendments to allow chickens.
2. Reject the draft amendments and maintain status quo that prohibits chickens.
3. Defer a decision and direct Staff to provide more information or alternative amendments.

IMPLICATIONS OF PAC RECOMMENDATION:

GENERAL: After considering the staff report and hearing input from the public, the PAC recommended that Council not amend the LUB to allow chickens. In general, it was felt that allowing chickens could create nuisance problems in the community that would difficult to regulate. Ongoing enforcement was a significant concern.

FOLLOW UP ACTION: First reading; public hearing; second reading, if amendments are approved

COMMUNICATION: Should Council give first reading to the amendments; an advertised public hearing will be scheduled.

OTHER COMMENTS: None

Submitted by: *Andrew Fisher, Manager of Planning and Strategic Initiatives*

Reviewed by: *CAO*

To: Planning Advisory Committee
From: Andrew Fisher, Manager of Planning & Strategic Initiatives
Date: October 1, 2018
Subject: LUB amendments to allow keeping chickens

INTRODUCTION

In June Council referred the issue of keeping chickens within town limits to the PAC for review and to provide a recommendation to Council following a Public Participation Opportunity. On August 13th staff provided a report to the PAC to introduce the topic and get direction with regard to the character of the regulations that might be forwarded to Council for consideration. The PAC subsequently directed staff to draft regulations that in part: prohibit roosters and the sale of products, require large lot sizes and setbacks, and only allow chickens on lots with single detached dwellings.

BACKGROUND

Note: The August 13 staff report stated that Cumberland County does not allow chickens in the Lower Density Zone (ex. D'Orsay Road, Fox Ranch) on properties smaller than approximately 4.9 acres. Upon further review of the Bylaw and discussions with County staff, this statement was found to be incorrect. The LUB does permit up to 5 chickens on any lot in the Lower Density Zone without a development permit. The chickens must not be permitted to run at large, and slaughtering is not permitted.

The attached draft amendment takes into account PAC's direction and incorporates regulations from other jurisdictions, particularly those of Moncton and Fredericton. These cities underwent pilot projects before establishing their regulations. The requirements were also cross referenced with a Best Practices Manual for Chicken-Keepers created by the chicken-keeping community of New Haven, Connecticut.¹ The draft amendments shown in the Attachment would allow chickens, subject to the following:

1. Option A – no minimum lot area Option B - minimum lot area 1/2 acre (2,023 m²)
2. Minimum setbacks of 3 metres of any property line, and 10 metres from adjacent dwellings
3. Single detached dwellings only
4. Maximum of 6 hens, roosters are prohibited
5. No sale of products, and no slaughtering
6. Minimum coop requirements that reflect best practice
7. Provisions to control manure and food storage.
8. Screened requirements from the street and adjacent dwellings.

¹ <https://www.ctnofa.org/documents/Chicken%20Manual.pdf>

RELEVANT POLICY

Currently the Land Use Bylaw includes chickens under the definition of an Agricultural Animal (LUB section 1.0 (7)). Section 4.3 of the Bylaw prohibits the keeping of Agricultural Animals in town, except for three specified land parcels that contain existing pasture along Robert Angus Drive (McInnis' farm). Below are aforementioned LUB sections:

- 6) **Agricultural Use** means an operation involving the keeping of agricultural animals.
- 7) **Agricultural Animal** means an animal kept for the purpose of breeding, milking, egg or meat production, assistance in performing farm chores or recreation and shall include horses, cattle, swine, poultry, sheep, goats, mink, foxes, chinchillas, bees, but shall not include cats, dogs, parakeets, canaries, hamsters, tropical fish, and similar household pets. A rabbit is an agricultural animal if located on a lot on which in excess of ten rabbits are kept; if ten or fewer are involved, the rabbits shall be deemed to be house- hold pets.

4.3 Agricultural Animals

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

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

Any amendment to the LUB must be in keeping with the intent of the policies of the Municipal Planning Strategy (MPS). There are no policies specific to agricultural animals or chickens, so the amendment should have consideration for the general criteria set out in Policy A-5:

A-5 *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.*

Regarding Policy A-5 (c), the extent to which the keeping of chickens could conflict with adjacent or nearby land uses is most relevant. The draft amendment includes minimum setbacks to adjacent properties and other provisions to mitigate this potential conflict.

As per Policy, notice of the Public Participation Opportunity was posted in the local newspaper and the Town's website.

DISCUSSION:

Interest in urban agriculture has experienced a resurgence in the last 1-2 decades since the regulatory practices tended to separate rural from urban land uses after WW II. Industrial farming practices, the need to address poverty, increased food security, and the desire for locally sourced food are some of the reasons for the resurgence. There are benefits to allowing the keeping of chickens; however, there are also potential negatives the practice could create for the surrounding neighbourhood. Noise, smell, attraction of rodents, and aesthetics are some of the potential negative impacts on surrounding property. However, it should be noted that none of the jurisdictions that were contacted reported significant problems with keeping chickens.

As noted previously, the draft amendment incorporates PAC's direction from August 13th and regulations from other jurisdictions. In general, the regulations are an attempt to minimize the potential negative impacts on surrounding properties while providing minimum standards for the animals. Two options are provided for section 4.3.2, one with a minimum ½ acre lot requirement, and the other with no minimum lot area requirement.

The minimum ½ acre lot area requirement restricts chicken keeping to larger lots, but staff feel this is not an effective way to address the potential negative impacts on surrounding properties. Regardless of the size of the property it is the minimum setback requirements to lot lines and adjacent dwellings that provides effective separation. For further context, the attached map identifies residential properties an acre or more in area (red), ½ - 1 acre (dark Green), and ¼ - ½ acre (yellow). The map points to the fact that setting minimum lot creates an uneven distribution of lots where chicken keeping is permitted amongst lots where the use is restricted.

To mitigate impacts, it is more effective to establish minimum setbacks to property lines and adjacent dwellings than setting minimum lot area requirements. The draft amendment requires a 3 metre (10 ft) setback to property lines, and a 10 metre (33 ft) setback to adjacent dwellings. These requirements generally reflect the more restrictive requirements in other jurisdictions.

CONCLUSION:

As previously noted, there can be benefits to the keeping of chickens and many jurisdictions that permit the practice have reported very few problems. The draft amendments attempt to address potential negative impacts on the surrounding neighborhood; however, negative impacts will greatly depend on how well the property owner maintains the operation. The health of the flock, food, and manure management are all ongoing issues that go beyond the scope of land use planning.

MOTION OPTIONS:

Option One: I move that the Planning Advisory Committee recommend that Council amend the Land Use Bylaw as shown in the Attachment with **Option A** to allow the keeping of chickens.

Option Two: I move that the Planning Advisory Committee recommend that Council amend the Land Use Bylaw as shown in the Attachment with **Option B** to allow the keeping of chickens.

Option Three: I move that the Planning Advisory Committee recommend that Council **not** amend the Land Use Bylaw to allow chickens

STAFF RECOMMENDATION: Option One should the PAC wish Council to allow chickens.

Attachment

Town of Amherst

By-Law P-2-XX to amend the Land Use By-Law, P-2

1. This is a by-law to amend the Land Use By-Law of the Town of Amherst with respect to the matter of regulating the keeping of chickens.
2. In the Land Use By-law, Section 4.3 *Agricultural Animals* is amended by adding the subsection number “4.3.1”, removing the words, “in town”, and adding the words, “where permitted in Section 4.3.2 and”, removing the words, “which have”, adding the word, “with”, and adding Section 4.3.2.

4.3 Agricultural Animals

4.3.1 The keeping of agricultural animals is prohibited except where permitted in Section 4.3.2 and the following lots with agricultural uses existing at the date of this bylaw:

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

OPTION A

- 4.3.2 In any residential zone, a Development Permit shall be issued for the keeping of female chickens (hens) as an accessory use, subject to the following requirements:
- a) ~~the lot is a minimum of 2,023 m² in area and~~ contains an existing Single Detached Dwelling only;
 - b) a maximum of six (6) hens are present on the lot;
 - c) the sale of eggs, meat, or manure on the lot is prohibited;
 - d) the slaughtering or euthanizing of hens on the lot is prohibited;
 - e) all hens shall be kept at all times in a chicken coop;
 - f) a chicken coop shall be visually screened from a street and neighbouring properties by a fence or landscaped buffer of at least 1.2 m in height;
 - g) a chicken coop shall not be located closer to any street than the dwelling, and have a minimum setback of 3 m from any property line, and a minimum setback of 10 m from any existing dwelling on an adjacent property;
 - h) a chicken coop shall be enclosed on all sides and have:
 - I. a roof and doors capable of being locked;
 - II. a minimum of 0.37 m² of coop floor area per hen;
 - III. a minimum of 0.92 m² of enclosed outdoor roofed area per hen;
 - IV. predator and bird-resistant wire mesh no greater than 2.5 cm over all openings;
 - V. one perch that provides at least 15 cm² of space per hen, and one nest box per hen;
 - i) not more than 0.1 cubic metres of manure generated by the hens shall be stored on a lot, and shall be stored within a fully enclosed structure no closer to the property line than the chicken coop; and,
 - j) stored food for the hens shall be kept indoors or in a weather resistant container sufficient to prevent access by animals.

OPTION B

- 4.3.2 In any residential zone, a Development Permit shall be issued for the keeping of female chickens (hens) as an accessory use, subject to the following requirements:
- a) the lot is a minimum of 2,023 m² in area and contains an existing Single Detached Dwelling only;
 - b) a maximum of six (6) hens are present on the lot;
 - c) the sale of eggs, meat, or manure on the lot is prohibited;
 - d) the slaughtering or euthanizing of hens on the lot is prohibited;
 - e) all hens shall be kept at all times in a chicken coop;
 - f) a chicken coop shall be visually screened from a street and neighbouring properties by a fence or landscaped buffer of at least 1.2 m in height;
 - g) a chicken coop shall not be located closer to any street than the dwelling, and have a minimum setback of 3 m from any property line, and a minimum setback of 10 m from any existing dwelling on an adjacent property;
 - h) a chicken coop shall be enclosed on all sides and have:
 - I. a roof and doors capable of being locked;
 - II. a minimum of 0.37 m² of coop floor area per hen;
 - III. a minimum of 0.92 m² of enclosed outdoor roofed area per hen;
 - IV. predator and bird-resistant wire mesh no greater than 2.5 cm over all openings;
 - V. one perch that provides at least 15 cm² of space per hen, and one nest box per hen;
 - i) not more than 0.1 cubic metres of manure generated by the hens shall be stored on a lot, and shall be stored within a fully enclosed structure no closer to the property line than the chicken coop; and,
 - j) stored food for the hens shall be kept indoors or in a weather resistant container sufficient to prevent access by animals.

Clerk's Annotation for Official By-Law Book

Date of First Reading:

Date of Notice of Intent to Consider:

Date of Second Reading:

Date of Advertisement/Notice of Publication (to be published following Ministerial approval)

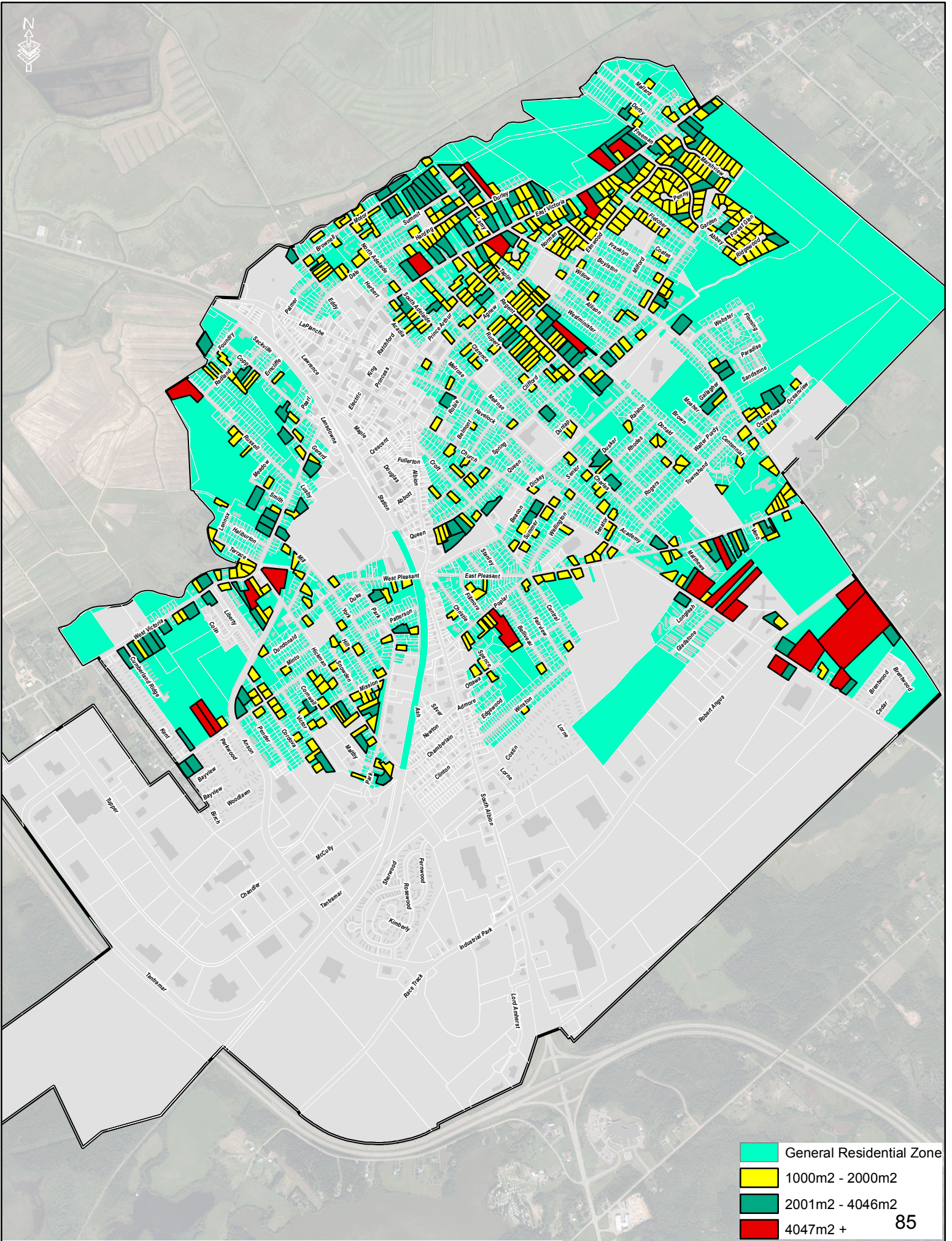
Date of mailing to Minister a certified copy:

I certify that this **By-Law P-X, a By-Law to Amend the Land Use By-Law**, was adopted by Council and published as indicated above.

Gregory D. Herrett, CA
Chief Administrative Officer

Date

*Effective Date of the By-Law unless otherwise specified in the text of the By-Law.



- General Residential Zone
- 1000m² - 2000m²
- 2001m² - 4046m²
- 4047m² +

LESLEY HARDER
AMHERST, NS
902-661-1204



August 5, 2018

ANDREW FISHER
Manager of Planning & Strategic Initiatives
AMHERST, NS

Dear ANDREW FISHER,

GAME OF CHICKEN

Do we want this in the town of Amherst??

Some aspects of the urban environment are not compatible with keeping backyard hens and crowing roosters. The attraction to rats and other wild animals such as foxes and skunks etc. are of a concern. Foxes will dig a hole 12 ft. deep in order to get under a coop. Happy chickens require 3' – 4' sq. feet per chicken inside and 8' to 10' square feet per chicken outside. Skimping on space can cause stress, cannibalism, pecking and death. The approximate 10 hens and 1 rooster which were the subject of the article in the Amherst News, were not given this required space. These birds were kept confined for days at a time when they should be let out daily. SPCA quote "not a suitable practice for individuals with little or no knowledge for keeping of chickens". On a positive note, four chickens will provide enough eggs for a family of four. Some municipalities across Canada do allow this but not the keeping of a rooster which can have a negative impact on surrounding property.

Sincerely

Lesley Harder

cc: JASON BLANCH (Councilor)
cc: DAVID KOGAN (Mayor of Amherst)



The draft LUB amendment that would allow the keeping of chickens

I am opposed to this for the following reasons: While I believe some people will take care of their chickens. Most will not properly maintain them to prevent negative impact on the neighbourhood, including but not limited to, attracting nuisance animals, the spread of food & dropping over the property/enclose and excessive smells or noise.

Councillor Darrell Jones

Written Submission via Email: Jeff Smith

From: Jeff Smith <r_ugby@hotmail.com>
Sent: September 25, 2018 5:44 PM
To: Kim Jones <KJones@amherst.ca>
Subject: Written submission

Hello,

I would like to make a submission regarding the planning advisory committees upcoming meeting on making amendments to the land use bylaw, regarding chickens.

I am neither for or against the keeping of chickens within town limits; as long as they aren't for commercial use and have limited numbers. Also if they can be kept away from neighbours living premises.(ie: I should not have to smell them while I use and enjoy my own property.) I would like to be heard about the keeping of roosters within town limits. They are loud and obnoxious, they cannot be controlled, and/or brought inside, their noise cannot be mitigated. They make loud noise from before sunrise to after sunset. This has many problems for residents from all walks of life.

I would like to be heard about my opposition to roosters or any other noisy food source, within town limits.

Thank your for letting me write this, and giving me a chance to have my say,

Sincerely,
Jeff Smith

From: denise allan <allandenise@hotmail.com>
Sent: September 29, 2018 12:41 PM
To: Kim Jones <KJones@amherst.ca>
Cc: Andrew Fisher <AFisher@amherst.ca>
Subject: CHICKENS

I realize this email is late, but then the 'Public Participation Opportunity Notice' was a little late getting in the paper (six days before the meeting) and I never received my paper until Thursday. Didn't leave much time to respond.

I think that if people want to keep chickens for eggs, they should be allowed. They would be keeping hens, not roosters, so there is no noise concern. And even meat birds are not kept long enough for noise to be an issue.

In today's economy, if people are inspired enough to do something healthy to augment their food supply, they should be encouraged.

There can be bylaws that discourage chickens from disturbing other peoples' property and that limit the number kept.

If anything, we should be assisting people who want to be part of the urban farming trend, not discouraging and banning them.

I hope you include my submission though it is late.

Thanks,

denise allan
29 N. Adelaide St.
902 667 8491

Written Submission via Email: Darlene Arsenault

From: Darlene <darstablet2@gmail.com>

Sent: September 30, 2018 11:04 AM

To: Andrew Fisher <AFisher@amherst.ca>; Kim Jones <KJones@amherst.ca>; Darrell Jones <DJones@amherst.ca>

Subject: BY law amendment for Chickens

My question is easy., what is the difference between living in the county & living in town? Does this also mean roosters? which crow all hours of the day(which then become part of a noise complaint? where do you draw the line . Is this amendment only for chickens? How many and what happens to all the racoons & skunks & weasels that will come , because of this chickens & eggs. It will be a feeding ground for them. If you want fresh eggs go to the store? Maritime Pride Eggs ? or rent a space outside town. I will be at this meeting as I believe chickens should NOT be in town limits.

Thank you

Respectfully

Darlene Arsenault

Sent from [Mail](#) for Windows 10

Internal Committee Report

Planning Advisory Committee

October 2018

The Planning Advisory Committee held a Public Participation Opportunity on Monday, October 1st to consider a Land Use Bylaw Amendment that would permit the keeping of chickens within Town limits. The PAC recommended that Council not amend the Land Use Bylaw to allow chickens. The Planning Advisory Committee also had two discussion items on the agenda, Amendments to the LUB for Cannabis-related Land Uses, and Signage Review.

Amherst Youth Town Council

October 2018

The Amherst Youth Town Council (AYTC) had two meetings, one on September 27th and one on October 11th.

On the 27th, we elected our executive committee. We elected Rohin Minocha-McKenney as Jr. Mayor, Mason Carter as Deputy Jr. Mayor, Olivia Pulsifer as Secretary, Grace Doncaster as Treasurer and Dan Osborn as our Public Relations Representative.

At this meeting we also agreed to apply to the Community Health Board Wellness Grant and an application was sent in.

At both of these meetings we discussed what goals we have for this year which include: addressing issues that were brought up from our survey last year, youth alcohol consumption as well as better understanding the needs of youth in Amherst. To start the year off we plan to host a mental health week in Amherst during the week of the 25th to 30th of January. The details of this event are still in planning but we will be involving therapy dogs, speakers and information sessions. As well during this week we are planning on inviting Engage Nova Scotia to one of the speakers' presentations to conduct a survey. We are also planning on making recommendations to Council within the next month on possible changes to the Smoke Free Recreational Places By-Law (by-law C-12) in regards to sidewalks and a revision of the definition of smoking in the by-law.

Finally, within the next two to three months, we will be taking action on introducing a new policy regarding the consumption of alcohol at town events while youth are present, we will be doing more research on this before any recommendations are made for a policy or even if a new policy is needed.

External Committee Report

Cumberland Public Libraries

October 2018

Financial Report

Ms. Corey provided Board members with copies of the Revenues and Expenditures for the Library and provided highlights

2017/18 Annual Report

Copies of the 2017/18 audited Financial Statement and the Library's Annual Report were sent to the Town of Amherst in August.

Summer Reading Club 2018

Summer Reading Club ended on August 31 with 429 participants from ages 3-103! Kids and Teens read 2,207 hours and adults read more than 1,000 books this summer. Programs included Evil Genius, Unicorns Unite, Super Science, and World Cat Day.

Statistics

In the month of July, Cumberland Public Libraries signed out 10,599 items, over 4,200 items in Amherst alone. This includes books, movies, TV shows, magazines and more.

Also in July, the Four Fathers Library held 12 programs for children and adults, with 280 people in attendance.

During the month of July there were 5,252 visits to the Four Fathers Library, over 1,000 visits per week!

Next Board meeting will be November 1, 2018.

External Committee Report

Cumberland YMCA

October 2018

At this month's meeting we had a presentation by Jeff MacNeil on the Young Ambassador / Change Agent Program that he has been a part of. This program invites 100 results-oriented YMCA full time staff or volunteers aged 21-30 to take part in a 11 month experiential learning program, to strengthen leadership skills, explore and deepen personal awareness and learn coaching methods on leading change for YMCA's . This year's long journey saw Jeff attend seminars in Mexico and Toronto, ending in Thailand at the World Council. This was very interesting and Jeff will bring a wealth of new knowledge and contacts to help be the agent for new change and ideas for our local YMCA.

Membership:

- As of October 1, 2018 the membership number is 972. 151 are sponsored members.
- At this time in 2017 membership numbers were 1,011 with 182 sponsored members. This decline is a direct result of the offsite programs currently not operating. Should Oxford and Pugwash preschools be in operation as they were last year this number would be close to the same.
- At the time of the meeting the Oxford afterschool program is still not back in session, and the pre-primary program is going to hold off with the church and wait until school opens the first week of November to reevaluate.

Donations and Fundraising

- Trail Run: the Trider's Trail Run will take place on November 3, 2018. The goal is 100 runners.
- Coldest Night of the Year: The YMCA of Cumberland has been presented the unique opportunity to be a partner organization with Blue Sea Philanthropy, the host foundation for Coldest Night of the Year. This event uses peer-to-peer fundraising with teams raising funds for poverty. The event will be a walk on February 23, 2019. 85% of the funds raised will go to the YMCA of Cumberland, with the remaining 15% to go to Blue Sea organization.

External Committee Report

L.A. Animal Shelter

October 2018

Fundraising efforts continue to remain a priority at the Shelter. A Beer Garden was held in September that raised \$5,200. We hope this will be an annual event. A grocery bagging event at Sobey's is planned for November 30 and December 1. Plans for fundraising in the new year include calendars and meat pies, with a special beer fundraiser being considered by Trider's.

For the first time in five years the shelter is currently in the black \$21,300. Last year at this time the shelter was in the red \$30,200. This is partly due to increased adoptions, large food donations, no on-going renovations, and no lost revenue from fraudulent activity. The shelter will now be able to send staff for first aid for pets training, replace computers, and consider other improvements.

RCMP are nearing the completion of their investigation into the missing funds.

The shelter has received requests to do two outreach programs, one with the Girl Guides and another with a pre-school in Sackville.

Board Initiatives Report – September 28, 2018

NSFM Vision: Effective local government and strong, sustainable communities

NSFM Mission: To enable effective local government for Nova Scotia’s communities by facilitating strategic advocacy, education and collaboration

Initiatives

1. Partnership Framework

Description/Update

A workshop on internet is being planned for October 11. NSFM members will hear more about the provincial and federal initiatives, about municipal initiatives and the ways municipalities can support internet initiatives.

A Joint Committee on Roads is being formed and NSFM members are being invited to serve on the committee. NSFM Committee member is Councillor Lennie White, Westville. AMANS representatives are Greg Herrett, Amherst and Chris McNeill, Queens

The Joint Committee on Housing is being formed. NSFM members include Mayor Anna Allen, Windsor, and Councillor Jack Fancy, Queens. AMANS representatives are Keith MacDonald, Inverness and Maggie MacDonald, Halifax.

Staff are also working with the Department of Seniors to develop terms of reference for a joint committee to address opportunities under the SHIFT program.

2. Cannabis Legalization

NSFM continues to raise the need for new revenues for municipalities to address the implications of the legalization of cannabis.

The NSFM/AMA Municipal Cannabis Working Group has been meeting to discuss the implications to NS municipalities. Training in preparation for legalization and implications for the workplace is being planned.

Discussions continue on the implications for planning, bylaws etc.

3. Asset Management

NFSM continues to support municipalities with asset management planning, as a requirement of the 2014-24 Gas Tax Fund Agreement. In mid-June, NFSM received word that FCM approved our funding proposal to the Municipal Asset Management Program (MAMP) to deliver two 1-day workshops to help municipalities incorporate climate risks into their asset management planning practices. NFSM is working with a local group – ClimAction Services – to develop the workshops aimed at enhancing local asset management practices by providing municipalities with the information and tools to include climate considerations into their long-term infrastructure planning. This will help position them to take necessary steps to proactively adapt their assets to climate risks. The workshops are scheduled to take place on November 27 and 29 in HRM and Middleton (exact locations to be confirmed).

NFSM continues to work on two online resources with funds received from MAMP: 1) an online course for elected officials on the basics of asset management (which is the final stages of development) and 2) an online learning module based on the Province of Nova's asset management pilot project's standard operation procedures for data collection and condition assessments for linear assets. NFSM expects that both courses will be completed in late October/early November.

4. Upcoming Events

- Municipal Workshop on Rural Internet, October 11, Holiday Inn Truro, Truro, NS
- November 6-9, NFSM Fall Conference and Annual General Meeting, Halifax, NS.
- November 7, NFSM Caucus meetings, as part of the Fall Conference, Halifax, NS.
- AMANS' Financial Management 3 for Elected Officials Workshop, November 22nd & 23rd, Location To Be Determined
- NFSM's *Integrating Climate Considerations into Asset Management Planning* Workshops: November 26 (HRM) and November 28 (Middleton)