



**Town of Amherst
Planning Advisory Committee Meeting**

Agenda

Date: **Monday, October 1, 2018**
Time: **4:30 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. Call to Order	
1.1 Approval of Agenda	
1.2 Approval of Minutes	
1.2.1 20180911 PAC Minutes	1 - 4
2. In Camera	
2.1 Approval of IC minutes	
2.1.1 20180911 PAC IC Minutes	
3. LUB Amendment to Allow the Keeping of Chickens	
3.1 Staff Report and Supporting Documents	5 - 14
3.2 Committee Questions	
4. Public Participation Opportunity - LUB Amendment to Allow the Keeping of Chickens	
4.1 Staff Report / Presentation	
4.2 Committee Questions	
4.3 Public Questions & Comments	
4.4 Recommendation	

5.	Staff Reports / Presentations	
5.1	Discussion Item - Amendments to the LUB for Cannabis-related Land Uses	15 - 18
5.2	Discussion Item - Signage Review	19 - 24
6.	Adjournment	

Town of Amherst

Planning Advisory Committee

Minutes

Date of Meeting: Tuesday, September, 11, 2018
Location: Council Chambers, Town Hall

Members Present: Deputy Mayor Sheila Christie
Councillor Terry Rhindress (Vice Chair)
Citizen Appointee Gordon Goodwin
Citizen Appointee Ronald Wilson

Members Absent: Councillor Wayne MacKenzie

Staff Present: Deputy CAO, Operations Jason MacDonald
Municipal Clerk Kimberlee Jones
Admin Assistant Emily Wainwright

Staff Absent: Unsightly Premises Coordinator Marc Buske

1. Call to Order

Vice-Chair called the meeting to order at 4:04 p.m.

Motion to go In-Camera

Moved By: Deputy Mayor Christie
Seconded By: Citizen Appointee Wilson
That the Committee go In-Camera.

Motion Carried

Motion to go Back to Open Session

Moved By: Deputy Mayor Christie
Seconded By: Citizen appointee Wilson
That the Committee go back to Open Session.

Motion Carried

1.1. Approval of Agenda

**Moved By: Deputy Mayor Christie
Seconded By: Citizen Appointee Goodwin
That the agenda be approved.**

Motion Carried

1.2. Approval of Minutes

**Moved By: Citizen Appointee Goodwin
Seconded By: Citizen Appointee Wilson
That the minutes of the August 13, 2018 PAC meeting be approved.**

Motion Carried

2. 16 Prince Arthur Street

2.1 Staff Report

Mr. MacDonald reviewed his report as included as part of the agenda package.

2.2 Committee Questions

Deputy Mayor Christie asked how long has staff been going back and forth with the property owner. Mr. MacDonald responded that they have been dealing with this property since 2011.

Citizen Appointee Wilson asked if the costs for any work carried out by the Town could be recovered. Mr. MacDonald indicated that all costs would be applied to the property tax account but that there is no guarantee that the actual costs will be recovered, should the property go to tax sale.

3. 72 Station Street

3.1 Staff Report

Mr. MacDonald reviewed his report as included as part of the agenda package.

3.2 Committee Questions

There were no questions from the Committee.

4. 16 Prince Arthur Street – Owner / Complainant Invited to Address Committee

4.1 Staff Report

Mr. MacDonald reviewed his report as included as part of the agenda package.

4.2 Committee Questions

There were no questions from the Committee.

4.3 Owner / Complainant Address to Committee

The property owner, Allison White, addressed the Committee stating that he was in the process of selling the property to his son for \$1. Mr. White continued to say that he is done with the property and that his son will be purchasing the property. He added, "you can tear it down if you want, I'm done with it." Mr. White said that he was told he would not be allowed to apply plexiglass to the damaged windows, but then the Town had had it installed, otherwise he said he would have been able to do that himself, rather than having a large bill for the work that the Town had completed. Mr. MacDonald offered to stay and discuss the matter after the Committee meeting with Mr. White but he refused and said he was unable to stay.

4.4 Recommendation

Move By: Citizen Appointee Goodwin

Seconded By: Deputy Mayor Christie

That the Planning Advisory Committee order the property at 16 Prince Arthur Street be demolished and the foundation be backfilled within 45 days from the date of this Committee meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work, with all costs charged to the property owner's tax account.

5. 72 Station Street – Owner / Complainant Invited to Address Committee

5.1 Staff Report

Mr. MacDonald reviewed his report as included as part of the agenda package.

5.2 Committee Questions

There were no questions from the Committee.

5.3 Owner / Complainant Address to Committee

The property owner was not in attendance.

5.4 Recommendation

Moved By: Deputy Mayor Christie

Seconded By: Citizen Appointee Wilson

That the Planning Advisory Committee order the property at 72 Station Street be demolished, remove all contents of the building and back fill the hole within 14 days from the date of this Committee meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and send all contents of the building to the land fill with all costs charged to the property owner's tax account.

Motion Carried

6. Adjournment

Deputy Mayor Christie motioned to adjourn the meeting at 4:45 p.m

Motion Carried

Kimberlee Jones, Municipal Clerk

Vice Chairman Terry Rhindress

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)

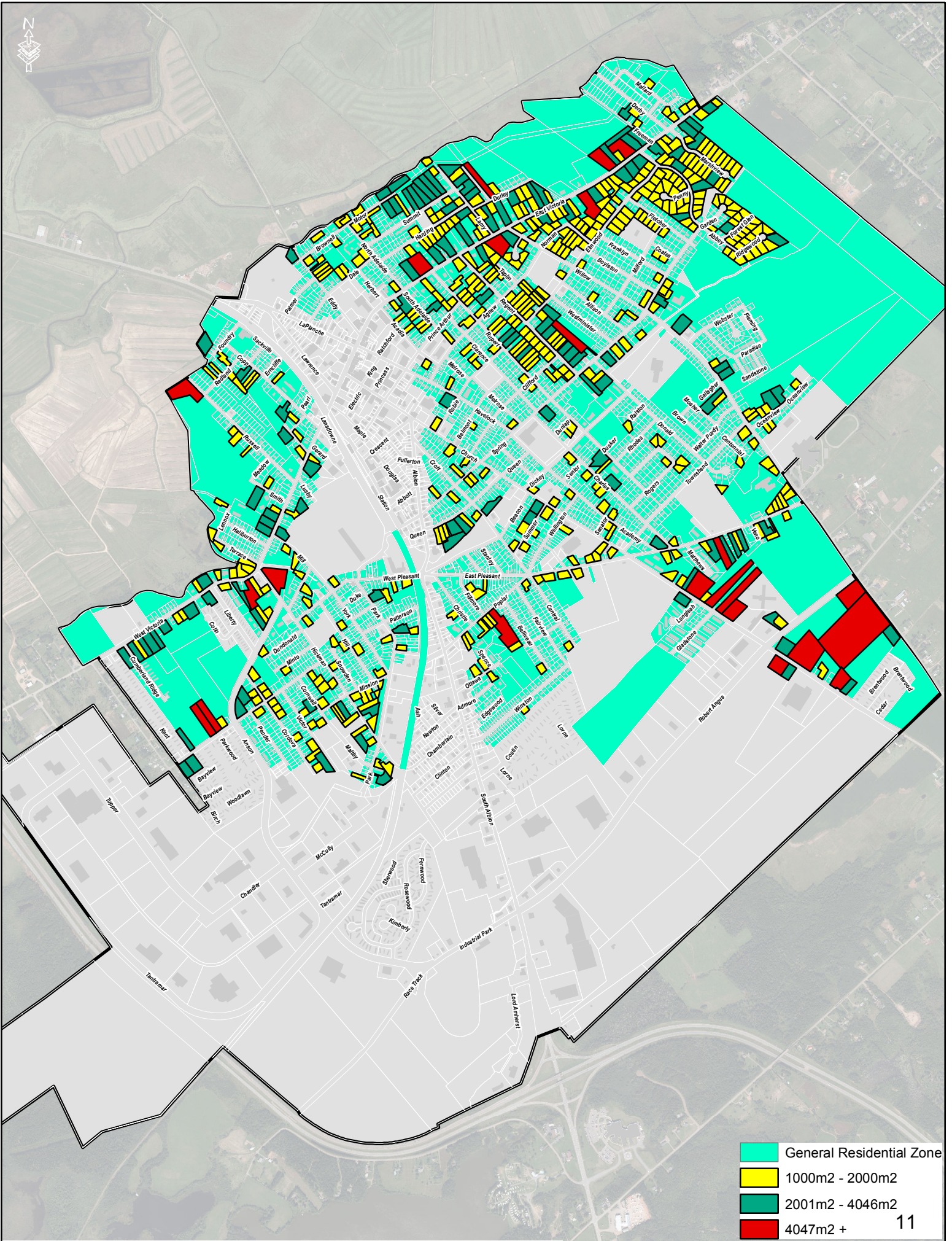
Date of mailing to Minister a certified copy:

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.

Kimberlee Jones
Municipal Clerk

_____ 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)



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

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

To: Planning Advisory Committee
From: Andrew Fisher, Manager of Planning & Strategic Initiatives
Date: October 1, 2018
Subject: **Discussion Item: Amendments to the Land Use Bylaw for Cannabis-related land uses.**

Introduction

At its Committee of the Whole meeting September 17th, Council passed the following motion: *That staff be directed to refer to the Planning Advisory Committee potential planning document amendments that would define licensed production facilities, permit such facilities in industrial zones with minimum setbacks from residential and other sensitive land uses, and define cannabis retail sales and cannabis lounges*

The purpose of this memo is to introduce potential amendments to the Town's planning documents to address the Federal Government's *Cannabis Act*, scheduled to take effect October 17, 2018. The *Act* provides a legal framework for the production, distribution, sale, and possession of cannabis for medical and recreational purposes. At the same time, the Provincial Government's *Cannabis Control Act* will regulate cannabis distribution and retail sales, and amend the *Smoke-Free Places Act* to control smoking cannabis in public places. Part of the role for Municipal Governments is to regulate where cannabis-related uses are appropriate.

The content and direction provided in this report generally reflects the approach of the Halifax Regional Municipality (HRM). HRM's approach has been to look at amendments to their planning documents to direct licensed production facilities to industrial zones, and define cannabis-related uses (retail and consumption venues) such that they are explicitly prohibited.

Municipal Governments are also responsible for other issues, including but not limited to, cannabis consumption, household cultivation, and enforcement. These issues are being considered separately within a nuisance bylaw.

BACKGROUND

Cannabis Act

Replacing the Access to Cannabis for Medical Purposes Regulations (ACMPR), the *Cannabis Act* allows the cultivation, by a person or persons 18 years and older, of up to 4 cannabis plants per dwelling-house. Sales by individuals is prohibited. Beyond 4 plants, the *Act* restricts cultivation to licensed Production Facilities.

Production Facilities

The *Cannabis Act* regulations include licensing for production and processing facilities, and authorizes associated activities such as analytical testing, import/export and research. Like the

existing licensing requirements under the ACMPR, the Cannabis Act regulates matters such as required notice to local authorities, physical and personnel security, and good production practices.

Retail Sales and Consumption Venues

In anticipation of the *Cannabis Act*, the Province of Nova Scotia adopted the *Cannabis Control Act* that will permit retail sales of cannabis and cannabis products through the Nova Scotia Liquor Corporation (NSLC), and amend the *Smoke-free Places Act* to control the public smoking of cannabis. In Nova Scotia, the distribution and sale of cannabis from a private storefront (i.e. dispensaries and compassion clubs) will not be legal under provincial legislation.

Municipal Planning Documents

As cannabis-related land uses are relatively new, cannabis production, retail sales and consumption venues are not specifically addressed in the Town's planning documents. From a land use perspective, cannabis production facilities are similar in nature to manufacturing or agricultural processing facilities, with strict federal security requirements that tend to push them to an industrial setting.

Sales and distribution of cannabis from a storefront is currently prohibited under federal legislation. Selling cannabis-related paraphernalia (pipes, vaporizers, etc.) is considered a retail use and permitted in commercial zones. Businesses specializing in cannabis-related advice, counselling, or advocacy are generally considered an office use and would also be permitted in commercial zones.

Amendments to Planning Documents

The approach being considered by HRM is to amend planning documents to accommodate production facilities in industrial zones and mixed-use zones that permit industrial uses. The city is also looking at definitions for cannabis-related uses including retail sales and consumption venues to provide clarity within the regulations.

Cannabis Production Facilities

HRM staff have proposed that the following definition of "Cannabis Production Facility" be added to their LUBs:

CANNABIS PRODUCTION FACILITY means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products,

- (a) including
 - (i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and
 - (ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and
- (b) excluding
 - (i) industrial hemp, and
 - (ii) premises used for personal production permitted by federal legislation.

The definition reflects the language of the *Cannabis Act* regulations, with exemptions for industrial hemp and personal production.

HRM staff have proposed the following LUB amendment for production facilities in Industrial Zones that establish a minimum setback of 70 metres from residential and other sensitive uses. A sample LUB amendment is as follows:

CANNABIS PRODUCTION FACILITIES

Where a lot containing a cannabis production facility abuts a lot

- (i) zoned or used for residential purposes, or
- (ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

The attached map estimates the areas of town remaining when the 70 metre buffer is applied to residential and other sensitive uses. Most of the industrial park, South Albion, Robert Angus Drive, and the inner area of the former ENHEAT site remain.

Cannabis Retail Sales and Consumption Venues

As noted previously, the Province of Nova Scotia intends to conduct retail sales of cannabis through the NSLC, and online. No legislation permitting private retail sales from storefronts other than the NSLC, nor cannabis consumption lounges has been introduced in Nova Scotia. Given the above considerations, with regard to cannabis retail sales and consumption venues HRM is proposing to add the following definitions to their LUBs:

CANNABIS LOUNGE means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales.

CANNABIS RETAIL SALES means premises used for the retail sale of cannabis, cannabis products or any of its derivatives, such as oils or edible products, to the general public.

MPS Amendments

HRM staff have proposed MPS amendments intended to clarify the Municipality's position on cannabis-related land uses. In review of these amendments, Town staff do not feel they are needed or appropriate for the Amherst context. However, it may be appropriate to allow licensed production facilities in location less than 70 metres from residential and sensitive uses, possibly by development agreement (DA). In this case, MPS amendments to allow for consideration by DA would be required.

Conclusion

Amending the town's Land Use Bylaw to address cannabis-related land uses in a manner similar to HRM's approach appears reasonable. Staff provide this report to introduce the topic with the view to hold a Public Participation Opportunity at a future meeting.

To: Planning Advisory Committee
 From: Andrew Fisher, Senior Planner and Business Development Officer
 Date: October 1, 2018
 Subject: Discussion item - Signage

INTRODUCTION:

At its September 17 Committee of the Whole meeting, Council passed the following motion:
That staff be directed to refer a review of all signage provisions in the Land Use Bylaw to the Planning Advisory Committee (PAC), particularly to do with uniform signs, entrance signs, off-lot signage and unsightly signs, and that the PAC report back to Council with recommended amendments, if any.

As a starting point for discussion, Section 6.0 Signage of the LUB is attached for review. Staff intend to give an overview of this section at the meeting to provide further context around how the regulations are interpreted.

BACKGROUND and DISCUSSION:

For the most part, the sign regulations currently in place were adopted in 2005 as part of a new LUB. Since then there have been three LUB amendments related to signage as follows:

1. 2013 – signage amendments as part of a suite of amendment that established the Downtown Zone Core Area District design requirements.
2. 2014 – amendment to section 6.7 Off-site Signage to remove the requirement that off-site signage be limited to uses located to within 5 km of the Town boundary.
3. April 2018 – amendments to allow electronic signs in the Core Area District that also included a restriction on off-site signage in this area.

There is no one size fits all set of regulations for signage, and every community is different. Most jurisdictions have sign regulations that attempt to strike a balance between the need for businesses to identify themselves, and restricting unsightly and excessive signs. The degree to which signage becomes excessive depends greatly on the desired character of a given community, or a specific area of a community. For further context, the following chart provides a comparison of sign regulations in a selection of nearby municipalities as of 2015. Amherst is generally somewhere in the middle in terms of level of restriction.

	Amherst	Truro	Moncton	Sackville, NB
Max. # of all signs	3	2-3	Limited to lot size	2
Max. # of ground signs	2, Hwy Zone 3	1	1/30m frontage	1
Max. size ground signs	25m ² Hwy Zone 10m ² DT Zone	11m ²	30m ² Hwy Zone 10m ² Commercial	18.6 m ²
Max. size wall sign	0.6m ² / 1m linear	10%	2m ² / 1m linear	18.6 m ²
Off - site	Yes	No	Yes	No

With regard to the specific issues noted in Council’s motion, it is Staff’s intention to review the sign regulations to generate a discussion of these particular issues.

6.0 Signage

6.1 General Provisions

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

6.2 Maintenance

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

6.3 Signs Permitted in all Zones

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

- (a) Signs not more than 0.2 m² in sign area, showing the civic number of a building;
- (b) signs of not more than 0.2 m² in sign area, showing the name of a resident or an occupier;
- (c) "No trespassing" signs or other signs regulating the use of a lot, and of not more than 0.2 m² in sign area, unless otherwise directed by a public authority;
- (d) real estate signs not exceeding 0.6 m² in sign area in a residential zone and 1.5 m² in other zones, which advertise the sale, rental or lease of the premises;
- (e) signs regulating or denoting on-premises traffic, or parking, or other signs denoting the direction or function of various parts of a building or premises, provided that such signs are less than 0.5 m² in area;
- (f) signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public institutions or public election lists or other public notices;
- (g) memorial signs or tablets, and signs denoting the history of a site or structure provided that no such sign exceeds 0.5 m² in area;
- (h) the flag, pennant or insignia of any nation, province or state or of any religious, charitable or fraternal organization;

- (i) a sign having an area of not more than 10 m² incidental to construction and within the area of such construction, and erected only during the period of construction;
- (j) a sign painted on a window; and,
- (k) election signs.

6.4 Signs Prohibited in all Zones

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

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

6.5 Number of Signs

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

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

6.6 Signs in Residential Zones

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

- (a) The maximum sign area shall be 0.2 m² per side in the case of a two sided sign.
- (c) The maximum height of the sign shall be 1.5 m.
- (d) Facia signs shall not be located in excess of 3 m above the grade of the wall upon which it is affixed.
- (e) The sign shall be set back a minimum of 1 m from any lot line

6.7 Off-site Signage

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

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

6.8 Sponsorship Signage on Town Owned Recreational Lands

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

6.9 Sandwich Board Signs

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

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

6.10 Ground Signs

- (a) In the Highway Commercial Zone, a ground sign shall not exceed 25 m² in sign area for each sign face.
- (b) In the Downtown Zone, a ground sign shall not exceed 10 m² in sign area for each sign face.
- (c) No ground sign shall project over any public property or space including an public park, street, right-of-way, sidewalk, parking lot, loading space, or place of assembly.
- (d) All supporting apparatus of a ground sign shall have a minimum 2 m setback from any lot line.

6.11 Projecting Wall Signs

A projecting wall sign shall not:

- (a) exceed 3 m² in sign area;
- (b) project more than 2 m from the wall upon which it is attached;
- (c) project over a corner sight triangle;
- (d) project above the eaves, parapet or roof line of a building;
- (e) be permitted to swing freely on its supports;
- (f) be less than 3 m off the ground at its lowest point;
- (g) notwithstanding clause 6.4 (f), a projecting wall sign may extend over a public right-of-way in the Downtown Zone, subject to the following requirements:
 - (i) the sign or any portion of the sign structure shall not project into the right-of-way a distance greater than 2/3 the width of the sidewalk; and
 - (ii) the sign requires a building permit issued in accordance with the Town of Amherst Building Bylaw.

6.12 Facial Wall Signs

Facial wall signs shall:

- (a) not cover more than 0.6 m² per lineal meter of the wall on which the sign is affixed;
- (b) not extend more than 0.3 m beyond the wall to which it is affixed; and
- (c) not extend more than 0.3 m above the top of the wall upon which it is located.

6.13 Roof Signs

Roof signs shall:

- (a) not cover more than 0.6 m² per lineal metre of roof upon which the sign is affixed;
- (b) not extend more than 0.3 m beyond the roof to which it is affixed; and
- (c) not extend beyond the peak of the roof to which it is affixed.

6.14 Sign Standards in Core Area District

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

- a) A sign board for commercial signage or awnings is required above the ground floor windows, and must be integrated into the architecture of the building.
- b) Signs on the top storey are permitted provided they are no greater than 0.3 sq m times the number of storeys (i.e. a 6 storey building can have 1.8 sq m sign).
- c) New Back-Lit or internally illuminated signs are not permitted in the Core Area District, except for backlight raised lettering only, where letters are greater than 200 mm high and no deeper than 150 mm, and electronic signs subject to section 6.14 (i).
- d) Projecting signs are permitted and encouraged. Projecting signs can be no larger than 3 sq metres, and have a minimum clearance of 2.7 m above grade.
- e) Spot lights, gooseneck light fixtures and other decorative light fixtures are permitted and encouraged for illuminating signs.
- f) Directory signs no larger than 2.5 sq m in area are permitted.
- g) Other than sandwich board signs, portable, and free-standing reader board signs are not permitted.
- h) Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;
- i) Electronic signs are permitted as part of a freestanding, fascia, or canopy sign subject to the general provisions and the following standards:
 - (i) the message duration shall not be less than 10 seconds;
 - (ii) the message transition shall be instantaneous;
 - (iii) message transition shall not involve any visible effects including but not limited to scrolling, fading, dissolving, intermittent or flashing light, or the illusion of such effects;
 - (iv) the maximum brightness levels of the electronic sign shall be 5,000 nits during daytime and 500 nits at nighttime;
 - (v) the sign shall use automatic dimming technology which automatically adjusts the sign copy's brightness in direct correlation with ambient light conditions;
 - (vi) the sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. (Atlantic time) unless the business is open or in operation during those hours;
 - (vii) the sign shall be turned off in the case of a malfunction; and,
 - (viii) in any case, no electronic sign in the Downtown Zone shall exceed 3 m² (32 sqft) in area.