



Issues Report

September 2022



**PLAN
AMHERST**

This report was prepared by
UPLAND Planning and Design
for the Town of Amherst.

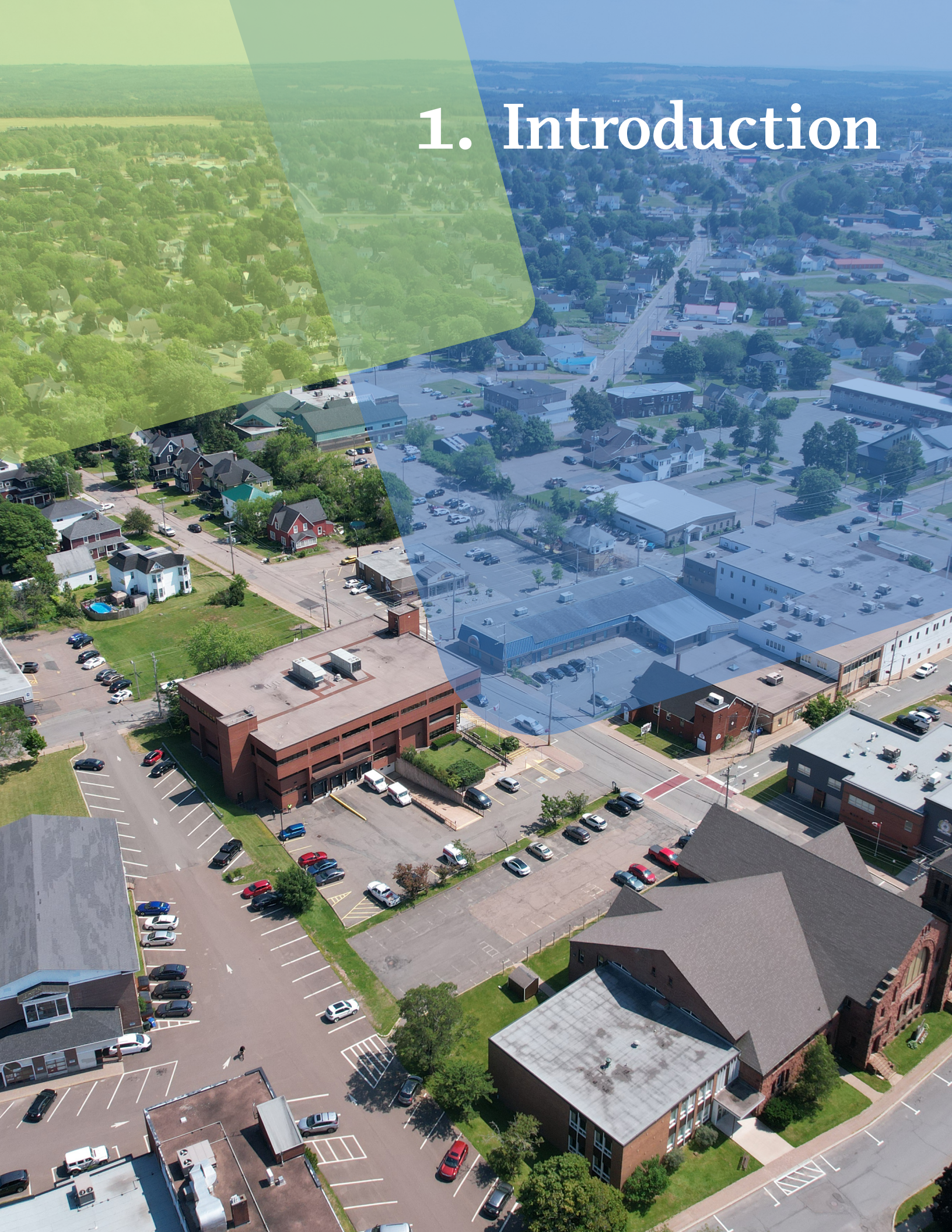
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1. Introduction



1.1 Purpose of this Report

Amherst has continued to evolve and change in the nearly 20 years since the Town's Municipal Planning Strategy and Land Use Bylaw were adopted. They were adopted in 2005 and developed to meet the needs of the town and community at the time. Now, in 2022, the Town is looking to incorporate contemporary tools and strategies to plan and manage growth and development, while addressing the fundamental challenges Amherst faces as an urban municipality.

This Report has four objectives:

1. establish the primary challenges Amherst will face over the next decade;
2. outline potential "Best Practices" to address the primary challenges;
3. highlight policy and regulatory gaps in the Town's existing planning documents;
4. establish potential policy directions and recommendations for the updated documents.

This Report first establishes the primary challenges Amherst will face over the next decade. These challenges are explored within the context of the enabling provisions of the *Municipal Government Act* for land use planning—that is, the challenges are those that can be dealt with most effectively through land use planning. Therefore, the challenges explored in this Report do not represent all of the current and future challenges Amherst will face.

This Report then outlines "Best Practices" as potential tools and strategies to address the challenges identified for Amherst. These best practices represent potential approaches to policy and regulation. They will not necessarily be implemented in the forthcoming planning documents, but are rather intended to spark discussion with Council and the community on potential ways forward. The best practices are presented on a series of 'Project Sheets', with each sheet describing the best practices, why they are applicable to Amherst, and how they address the challenges Amherst is facing.

Section 4 of this Report is a policy and regulatory gap analysis exploring the current planning documents. This analysis will identify gaps in the Town's planning policy, regulations, and framework that may be addressed in the updated Municipal Planning Strategy and Land Use Bylaw. And, finally, the last section of this Report (Section 5) outlines possible policy directions and recommendations for the new planning documents based on the findings of this Report and public consultations during the initial phase of engagement. These are intended for discussion with the Planning Advisory Committee to help set a preliminary direction for the draft planning documents.

1.2 Planning in Nova Scotia

As the content of this Report includes discussions on land use planning, it is important to consider the how land use planning works in Nova Scotia. Land use planning in Nova Scotia is regulated under the *Municipal Government Act*, and is implemented primarily through three documents:

- + the Municipal Planning Strategy,
- + the Land Use Bylaw, and
- + the Subdivision Bylaw.

The Municipal Planning Strategy is responsible for establishing Council's vision and policies for land use, and the Land Use Bylaw establishes the rules and regulations for what type of land use is permitted where, and the standards and requirements that must be followed for development. The Land Use Bylaw is important for ensuring there is an adequate supply of land for growth, managing land use conflicts, promoting growth that is environmentally responsible, and much more.

For development to occur in Amherst, one must first obtain a development permit. There are three possible processes to obtain a development permit, and the town can strategically

use these processes to promote development while ensuring an appropriate level of oversight is provided. The three processes for development are:

- + As-of-Right development,
- + Site Plan Approval, and
- + Development Agreements.

These three options give Council and Staff a spectrum of management over a proposed development:

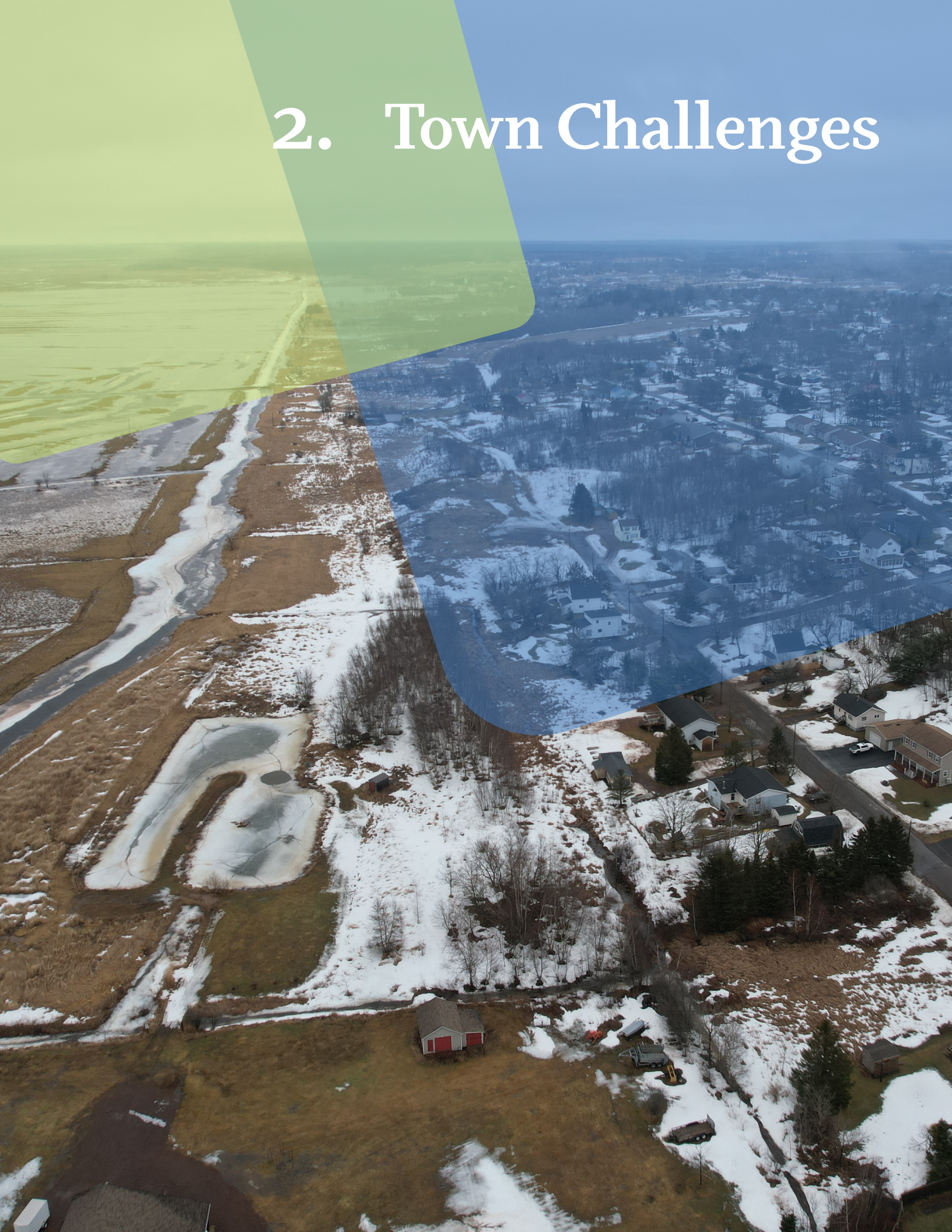


The tables on the following pages outline the fundamental characteristics of As-of-Right, Site Plan Approval, and Development Agreements.

	As-of-Right	Site Plan Approval	Development Agreement
Description	The majority of development in Amherst would proceed through the as-of-right process. Provided a use complies with the basic requirements of the Land Use Bylaw and is permitted in a zone, it would proceed through this process.	Site Plan Approval is a process where an applicant must meet additional standards established in the Land Use Bylaw. These standards are often design-oriented, such as landscaping, location of parking, driveways and lot accesses, and are often qualitative. This gives developers some flexibility and options to work with Town staff to find the best solution.	Development Agreements are written legal agreements between Town Council and a property owner, allowing Council to have a finer-grained level of management over a proposed development, and to implement specific measures to mitigate potential impacts. Once approved, the agreement is a legally binding contract that is registered on the property and carries with the land (i.e. binds future owners). It is in effect until discharged by Council.
When to Use	Where the development is straightforward and limited control is required.	Where more design control is desired.	<ul style="list-style-type: none"> + Where there is a strong public interest or need for engagement + Where the unique nature of the development makes it difficult to write standard requirements, or where suitability varies depending on the individual development + Where the development is complex
Permitting Speed	Fast (weeks)	Fast to moderate (Weeks to <6 months)	Slower (6+ months)

	As-of-Right	Site Plan Approval	Development Agreement
Flexibility to Do Something “Different”	Virtually no flexibility, but greater range of permitted uses.	Moderate, depending on the flexibility written into the criteria in the Land Use Bylaw.	Generally high, depending on the flexibility written into policies in the Municipal Planning Strategy.
Cost	Low	Low to moderate depending on studies required by evaluation criteria	Higher, depending on the studies required by evaluation criteria
Public Involvement	None	+ Land owners within 30 metres of development property are notified.	+ Public Hearing of Council + Land owners within 30 metres of development property are notified.
Risk for Proponent	Low	Low	Moderate
Level of Management and Oversight by the Town	Low	Moderate	High
Approval Body	Development Officer	Town Staff	Town Council
Who Can Appeal Decision	Applicant may appeal if the Development Officer refuses a permit	Applicant or owners who are within the notification distance (see Public Involvement, above)	“Aggrieved persons” (applicant or people with a bona fide interest in the decision, as determined by the Nova Scotia Utility and Review Board)
Appeal Body	Nova Scotia Utility and Review Board	Town Council	Nova Scotia Utility and Review Board

2. Town Challenges



2.1 Four Key Challenges

Amherst has long been a centre of commercial and industrial services since the 20th century. The town emerged and grew from its strong industrial core, and today, Amherst functions as the retail and service centre for Cumberland County and southeast New Brunswick. These historical factors, along with the town's central location in the Maritimes, its stable population, and its presence as a regional service centre have made Amherst an ideal place to live, work, and visit, and reinforce the town's significance in Cumberland County.

Despite these strengths and assets, Amherst is facing ongoing and emerging challenges that could impact how the town grows and develops. One way to address these challenges is by updating the Town's Municipal Planning Strategy and Land Use Bylaw—documents that contain the policies and regulations that control how and where growth happens in Amherst. Because municipal planning strategies and land use bylaws are limited in their scope—as outlined in the *Municipal Government Act*—there are some challenges that the Town can tackle better through these documents than others.

This Report has identified the four key challenges that the Town will face over the next decade and that can be mitigated through the Municipal Planning Strategy and Land Use Bylaw. They are:

- + Demographic Change and Housing Choice,
- + Climate Change,
- + Limited Land Supply, and
- + Ageing Infrastructure.

These challenges are discussed in greater detail on the following pages. These challenges provide a framework for assessing potential best practice tools and strategies that could be adopted in the new land use planning documents.



2.2 Demographic Change & Housing Choice

Demographic change and housing choice are closely linked. As a population ages, the housing needs in a community also shift. Elderly residents who live in large, single-unit dwellings are faced with challenges of living in a home that may no longer suit their needs. Building upkeep and maintenance may become more challenging, the design of the house may create accessibility concerns (e.g., stairs), and the costs associated with living on a reduced income can create financial barriers.

Like many communities across Nova Scotia, Amherst's population is ageing. Between 1996 and 2021, the proportion of seniors (65-84) and the elderly (85+) grew by 35.1% and 38.8%, respectively, while youth (0-19) and the working age population (20-64) shrank by 22.0% and 7.4%, respectively. Amherst's ageing population is correlated with a decreasing household size—average household size shrank between 2006 and 2021 from 2.2 to 2.1 persons per household. Factors, including youth and young families leaving Amherst and seniors and the elderly choosing to live apart in assisted living facilities or becoming widowed, all contribute

to shrinking household sizes. There are also higher-level demographic changes occurring with regards to housing choice and need:

- + Families are having fewer children. Fertility rates in Canada have been steadily declining since 2008, a trend which intensified during the COVID-19 pandemic.¹
- + The number of people who live alone in Canada has doubled over the last 35 years.²

These local and macro-level trends are compounded by an ageing housing stock in Amherst. Nearly 50% of the housing stock was built before 1960, with only 14% of the housing stock built after 2000. The housing that has been built recently has tended towards options built for an older demographic. Although land use planning cannot stem demographic change, it can provide a framework that enables a variety of housing styles and options to be developed to ensure housing is available to anyone who wants to live in Amherst.

¹ Statistics Canada. (2021). Changes in fertility intentions in response to the COVID-19 pandemic Retrieved from: <https://www150.statcan.gc.ca/n1/pub/45-28-0001/2021001/article/00041-eng.htm>
² Statistics Canada(2019). Living alone in Canada. Retrieved from: <https://www150.statcan.gc.ca/n1/pub/75-006-x/2019001/article/00003-eng.htm>



2.3 Climate Change

Climate change describes the process in which the earth's climate is changing, particularly as a result of the burning of fossil fuels, while agriculture and deforestation are also significant contributors. Despite Nova Scotia, as a whole, decreasing its carbon dioxide emissions between 2005 and 2020,¹ emissions continue to rise around the world.²

Climate change is a global issue, and its impacts and causes reach far beyond Amherst's and Nova Scotia's boundary. While actions to reduce the causes of climate change in the town (also known as "climate change mitigation"), such as promoting active transportation and clean energy sources, will have a limited impact on total global emissions, this does not mean that the Town and community should not be taking action to reduce carbon emissions. There are local opportunities and benefits of adopting climate change mitigation measures—an electricity grid supported by clean energy can be less susceptible to large scale power outages, while

heritage preservation measures could help reduce the town's carbon footprint, to name a few benefits.

On the other hand, the Town can take tangible steps to help Amherst adapt to the impacts of climate change—actions that reduce the negative impacts of climate change such as flooding.

For Nova Scotia, climate change is expected to bring more extreme rainfalls and storm flooding.³ These impacts are especially relevant for Amherst because of the presence and prominence of Dickey Brook. This watercourse flows through the centre of town and acts as the primary surface drainage channel for stormwater. During high precipitation events, Dickey Brook has overspilled its banks and flooded residential streets and other areas of town.

The challenges associated with flooding are compounded because sections of Dickey Brook have been buried underground. What was once a watercourse that flowed over land, has been forced to flow through culverts to accommodate modern development. Now, as the town

³ Province of Nova Scotia. (n.d.). Climate impacts. Retrieved from: <https://climatechange.novascotia.ca/climate-impacts>

¹ Government of Canada. (2022). Greenhouse gas emissions. Retrieved from: <https://www.canada.ca/en/environment-climate-change/services/environmental-indicators/greenhouse-gas-emissions.html>

² EPA. (2022). Global Greenhouse Gas Emissions Data. Retrieve from: <https://www.epa.gov/ghgemissions/global-greenhouse-gas-emissions-data#:~:text=Global%20carbon%20emissions%20from%20fossil,increase%20from%201970%20to%202011.>

faces greater threats of high precipitation events, these culverts may not be appropriately sized for increased precipitation, which could exacerbate flood risk.

Flooding challenges in Amherst are also caused as a result of the town's proximity to the Bay of Fundy. During high tide events, when water from Dickey Brook would normally flow to the Bay of Fundy, the aboiteaux close. If peak rainfall coincides with high tide, there is an increased potential for flooding as stormwater cannot flow out to the Bay of Fundy.

Sea level rise also poses a threat to Amherst. The Province of Nova Scotia suggests sea levels near Amherst could rise 1.05 metres from 2000 levels by the year 2100.⁴ While the town does not border the Atlantic Ocean, the Chignecto Isthmus, with which it does share a border, is protected by a series of dikes and aboiteaux, developed in the 1600s and redeveloped in the 1950s. These dikes and aboiteaux prevent floodwaters from reaching inland; however, as sea levels rise, and with more frequent storms, these human-

⁴ Province of Nova Scotia. (2021). Sea-level rise. Retrieved from: <https://data.novascotia.ca/Environment-and-Energy/Sea-level-Rise/mk3b-jnm6>

made barriers may become less able to protect the town. There are some low-lying areas within town, and it is estimated that 80 residents and businesses are located in potential flood zones.

Climate change is also expected to bring warmer average temperatures to Nova Scotia.⁵ In urban environments, where development of roads and buildings results in higher temperatures (also called the "Urban Heat Island Effect"), higher average temperatures may impact the health and wellbeing of residents and the overall quality of life in the town.

This Report will look at potential strategies to adapt the town to the potential impacts of climate change while also looking at ways to mitigate climate change by reducing the Town's carbon footprint.

⁵ Province of Nova Scotia. (n.d.). Climate impacts. Retrieved from: <https://climatechange.novascotia.ca/climate-impacts>



2.4 Limited Land Supply

At 12 square kilometres, Amherst is one of the smallest municipalities in Nova Scotia. The town has grown from its early days as an industrial centre in the Maritimes to a local and regional service centre for Cumberland County and southeast New Brunswick. Over the years the extent of the town has expanded, growing outwards beyond the old commercial and industrial core and steadily reached a population of nearly 10,000 people today.

This outward growth has predominantly been residential in nature—residential land uses now largely encircle the downtown core of Amherst—while commercial and industrial land uses have emerged along several key transportation routes. Because Amherst has always been restricted by its land supply with its confined borders, growth has occurred in a efficient fashion—residential, commercial, and industrial development are all relatively compact. But continued growth in town has left Amherst with limited vacant land for future development. Most of the vacant land that's left in Amherst is on the town's periphery, particularly on the southern and eastern

sides of Amherst.

While annexation of land (bringing land within the Municipality of the County of Cumberland into the jurisdiction of the Town of Amherst) is possible, there have been no formal discussions with the Municipality of the County of Cumberland for such an action. Instead, however, the Town can adapt its approach to growth and development to ensure it can continue to accommodate new residential, commercial, and industrial growth that fits into the context of the town.

The best practices in this Report will look to maximize land use efficiency to ensure there is an appropriate supply of land for future residential, commercial, and industrial development.



2.5 Ageing Infrastructure

Providing services and infrastructure is one of the primary roles of any municipality. The Town provides a breadth of services including recreation and policing, while it also owns and maintains important sanitary sewer, drinking water, and transportation infrastructure to ensure the health and safety of its residents. Because providing infrastructure is one of the primary roles of a municipality, it is also one of the primary costs of a municipality. As infrastructure ages, the Town must make investments to upgrade and maintain existing infrastructure. For example, the Town budgeted \$250,000 for sewer, water, road, and sidewalk maintenance on Spring Street between Croftt Street and Church Street in 2021.

In total, the Town of Amherst owns and operates:¹

- + 96 kilometres of drinking water pipes;
- + 72 kilometres of sanitary sewer pipes;
- + 36 kilometres of stormwater pipes;
- + 74 kilometres of roads; and
- + 37 kilometres of sidewalks.

Like any municipality, Amherst is faced with the challenge of regular upkeep and maintenance of its infrastructure; however, Amherst has a significant portion of its infrastructure that is vulnerable to potential damage. Over 50% of the drinking water pipes and 54% of sewer pipes in Amherst are over 50 years old. With the average lifespan of these systems between 60 and 100 years,² the Town could face significant challenges over the next decade with financing the upkeep of this infrastructure.

Additionally, municipalities are limited in their ability to generate revenue for infrastructure management. Generally, revenue sources for municipalities are limited to residential and commercial property taxes, and municipalities cannot levy taxes like the provincial or federal government. Rather, to address ageing infrastructure, the Town can look to promote growth and development that spreads infrastructure costs among more ratepayers by promoting higher density development in strategic areas of the town.

¹ SNC Lavalin. (2015). Asset Management Assessment: Infrastructure and Buildings.

² Union of Concerned Scientists. (2017). Average Life Expectancy of Select Infrastructure Types and Potential Climate-Related Vulnerabilities. Retrieved from: <https://www.ucsusa.org/sites/default/files/attach/gw-smart-infrastructure-table-life-expectancy.pdf>

3. Best Practices



3.1 ELIMINATION OF 'SINGLE-FAMILY' ZONING

WHAT IS IT?

- + In many jurisdictions across North America, municipalities have been updating their zoning rules to remove areas exclusively zoned for low-density housing (single-family dwellings).
- + In these municipalities, areas that once only permitted single-family dwellings, now permit a range of residential types such as two-, three-, and four-unit dwellings.

WHY IS IT SUITABLE FOR AMHERST?

- + Although Amherst's housing stock is diverse with a range of housing forms and densities, there are areas of the town that prohibit any more than two units on a lot.
- + Amherst's existing built form is conducive to multi-unit development that can easily fit into the character of existing neighbourhoods.

HOW COULD IT HELP ADDRESS AMHERST'S KEY CHALLENGES?



Demographic Change & Housing Choice

Eliminating 'single-family' zoning may help to promote a greater variety of housing options in Amherst by enabling higher densities of housing options.

As much as 50% of the town's housing stock is single dwellings, and with an ageing population, a greater diversity of housing options may be necessary in the future.



Climate Change



Limited Land Supply

Because single dwellings have larger land requirements than multi-unit dwellings (e.g., two- and three-unit buildings), eliminating 'single-family' zoning measures could assist in using land within the town more efficiently.



Ageing Infrastructure

Greater residential development density enabled by the elimination of 'single-family' zoning measures can help the Town generate more tax revenue which can be used to fix and maintain existing infrastructure.

3.2 REDUCE OR ELIMINATE MINIMUM PARKING REQUIREMENTS

WHAT IS IT?

- + Minimum parking requirements establish the minimum number of parking spaces that must be provided for development.
- + Minimum parking requirements often result in an oversupply of parking, so some jurisdictions are reducing the requirements or eliminating them altogether.

WHY IS IT SUITABLE FOR AMHERST?

- + Amherst already exempts development in the Downtown Zone from minimum parking requirements, but this could be expanded to all other land use zones in the town.
- + Developers would ultimately get to choose the number of parking spaces they require to meet their development's needs, which gives them greater flexibility.

HOW COULD IT HELP ADDRESS AMHERST'S KEY CHALLENGES?



Demographic Change
& Housing Choice

Reducing or eliminating parking requirements allows land to be used more efficiently and could result in land being developed for housing, rather than parking.

The cost to provide parking (i.e., the price of land and asphalt for the parking stall) is ultimately passed onto consumers and residents when they pay for goods and housing. This could result in savings for households.



Climate Change

Parking lots and other hard surfaces can create stormwater management issues as precipitation runs off from these surfaces and overwhelms the Town's stormwater management system. This can cause flooding in low-lying areas or along Dickey Brook.

An oversupply of parking also reinforces the use of private automobiles, which is a leading cause of climate change.



Limited Land Supply

By reducing or eliminating parking requirements, more land can be used for commercial, residential, or industrial development, and would result in greater land use efficiency.



Ageing Infrastructure

Reduced parking requirements may not only take pressure off the stormwater management system by reducing runoff (and thus slowing system deterioration), but promoting higher land use efficiency by using land for development instead of parking will help to generate additional tax revenue to upgrade and maintain existing infrastructure.

3.3 MINIMUM COASTAL SETBACKS

WHAT IS IT?

- + Minimum coastal setbacks establish a minimum elevation for new development to help prevent people from being harmed and damage to buildings and infrastructure by sea level rise and extreme storm events.

WHY IS IT SUITABLE FOR AMHERST?

- + Although Amherst is not a coastal town, its position within the Chignecto Isthmus and proximity to the Bay of Fundy leaves some areas vulnerable to sea level rise.
- + Approximately 80 residents and businesses in Amherst are in low-lying areas that are at risk of flood damage.

HOW COULD IT HELP ADDRESS AMHERST'S KEY CHALLENGES?



Demographic Change & Housing Choice



Climate Change



Limited Land Supply



Ageing Infrastructure

Coastal setbacks help a community adapt to the impacts of climate change, particularly sea level rise, by preventing development in areas prone to sea level rise.

By preventing development in areas at risk of the impacts of sea level rise, damage to infrastructure, such as roads, sewer lines, and water lines, will also be limited. This will allow the Town to dedicate funds to repairing and upgrading infrastructure elsewhere in the town.

3.4 DENSITY BONUSING

WHAT IS IT?

- + Density bonusing is a process that allows development in downtowns to build taller than the maximum permitted height in exchange for a public benefit provided by a developer.
- + Public benefits can range from public art, open space, heritage conservation, and more.

WHY IS IT SUITABLE FOR AMHERST?

- + Amherst has a limited supply of available land but a significant area of commercial development—stretching from downtown to Robert Angus Drive—where additional height may be appropriate.

HOW COULD IT HELP ADDRESS AMHERST'S KEY CHALLENGES?



Demographic Change & Housing Choice

Density bonusing could result in taller developments in the downtown and along major roads. Residential intensification through density bonusing could help to promote a diverse range of housing options such as 'apartment-style' developments.



Climate Change

The public benefit required for density bonusing can include heritage building preservation, open space or green space development, or building energy efficiency measures (e.g., LEED Gold). These are all measures that can help to mitigate the impacts of climate change.



Limited Land Supply

By enabling taller development, the efficiency and utility of land in the town are maximized. Density bonusing may also promote the development of lots that were previously underdeveloped or undeveloped by incentivizing development.



Ageing Infrastructure

Density bonusing helps to maximize the use of existing infrastructure while also promoting higher tax revenues for a site that can be used to maintain and upgrade infrastructure.

3.5 URBAN AGRICULTURE

WHAT IS IT?

- + Urban agriculture is an activity that can include the small-scale growing of food, raising of small animals (e.g., hens or bees), or processing of food items in the urban environment.

WHY IS IT SUITABLE FOR AMHERST?

- + Locally-produced food can help supplement food purchased from traditional sources, such as grocery stores, while it can also promote stronger community ties and encourage healthier diets.

HOW COULD IT HELP ADDRESS AMHERST'S KEY CHALLENGES?



Demographic Change & Housing Choice



Climate Change



Limited Land Supply



Ageing Infrastructure

Generally, food grown locally has a lower carbon footprint than food that is from more traditional supply chains.

Urban gardens can also help to control stormwater, filter air pollution, and work to cool the town during hot summer days.

3.6 SMALL-SCALE CLEAN ENERGY

WHAT IS IT?

- + Small-scale clean energy systems can include private solar collector systems (on- or off-building) or small wind turbines, though wind turbines may not be appropriate within the town.
- + These systems can help to provide electricity to a home or business or the electricity can be sold back to the electricity grid.

WHY IS IT SUITABLE FOR AMHERST?

- + Amherst does not have its own electricity utility, meaning all electricity used in the town is purchased from Nova Scotia Power. This creates an incentive for the Town and property owners to reduce the demand for electricity produced by Nova Scotia Power.

HOW COULD IT HELP ADDRESS AMHERST'S KEY CHALLENGES?



Demographic Change & Housing Choice

Small-scale clean energy systems can reduce the electricity needed to heat or power a home, making it more affordable to live in Amherst. Housing options with lower utility bills—because of the use of small-scale clean energy systems—may help to attract and retain more residents in Amherst.



Climate Change

These types of energy systems reduce the overall carbon footprint of a home or business as electricity is not acquired from the electricity utility which currently produces a portion of its electricity through the burning of fossil fuels.

These systems also help to insulate homes and businesses from the impacts of large storms when power outages happen.



Limited Land Supply



Ageing Infrastructure

3.7 ADAPTIVE REUSE

WHAT IS IT?

- + Adaptive reuse is a principle where vacant buildings are adapted for a use that is different from the original intended use of the building. E.g., a movie theater being converted to a rock climbing gym.
- + Adaptive reuse is frequently seen in vacant industrial or institutional buildings.

WHY IS IT SUITABLE FOR AMHERST?

- + Several vacant buildings in Amherst could be reused and adapted for a different use than the building was originally intended.

HOW COULD IT HELP ADDRESS AMHERST'S KEY CHALLENGES?



Demographic Change & Housing Choice

Adaptive reuse reduced the barriers to development. Land use planning, financing, and construction costs can all be reduced as adaptive reuse promotes the reuse of existing structures rather than new construction.

Sites with adaptive reuse potential may be opportunities for new businesses which could help attract and retain youth and young families.



Climate Change

Construction and development are significant sources of carbon emissions that cause climate change. Enabling and promoting adaptive reuse in Amherst could help reduce the town's carbon footprint by reusing existing structures.



Limited Land Supply

Adaptive reuse enables an existing building to be used rather than sitting vacant and unused. Finding a new use for vacant buildings increases the overall capacity for units within the town, helping to address the limited availability of land.

Adaptively reusing a vacant building can also act as a catalyst for the redevelopment of the area around the building. By reanimating the formerly vacant building, the desirability of the surrounding area increases, which in turn can spur development on nearby lots.



Ageing Infrastructure

3.8 MINIMUM BICYCLE PARKING REQUIREMENTS

WHAT IS IT?

- + Municipalities can, as part of development, require a certain number of bicycle parking spaces be provided, just as they can require parking spaces for automobiles.
- + Bicycle parking spaces would need to meet a certain standard to ensure they are suitable for use by the public.

WHY IS IT SUITABLE FOR AMHERST?

- + The Town of Amherst adopted a plan in 2018 to promote active transportation, and the town has a strong active transportation network, including a multi-use pathway along South Albion Street.

HOW COULD IT HELP ADDRESS AMHERST'S KEY CHALLENGES?



Demographic Change & Housing Choice

Requiring bicycle parking spaces as part of development could increase uptake and viability of active transportation as a mode of transportation. This could reduce the need to drive or eliminate the need to own a car altogether, indirectly reducing the cost of living in Amherst, which could help to attract and retain residents.



Climate Change

Active forms of transportation, such as cycling, have no direct carbon emissions. Promoting greater uptake of active transportation, especially for utilitarian trips, would help to mitigate climate change.



Limited Land Supply



Ageing Infrastructure

Compared to automobiles, bicycles cause a significantly lower amount of damage to road surfaces (automobiles cause damage to roads in the magnitude of thousands of times greater than bicycles). Promoting greater uptake of active transportation could help slow the degradation of the town's roads.

3.9 USING DEVELOPMENT AGREEMENTS TO PROMOTE HERITAGE REGISTRATION

WHAT IS IT?

- + There are gaps in provincial legislation for protecting heritage structures, especially for maintaining registered heritage status. However, the Town could use Development Agreements to incentivize property owners to register their heritage property in exchange for greater development flexibility.

WHY IS IT SUITABLE FOR AMHERST?

- + Amherst has many properties with heritage potential that have not been registered for protection.

HOW COULD IT HELP ADDRESS AMHERST'S KEY CHALLENGES?



Demographic Change
& Housing Choice



Climate Change



Limited Land Supply



Ageing Infrastructure

Construction and development is a significant contributor to climate change. Finding new ways to reuse heritage buildings instead of demolishing them for new development will help to reduce the town's carbon footprint.

3.12 INCLUSIONARY ZONING

WHAT IS IT?

- + Inclusionary zoning is a tool where municipalities can require affordable housing to be provided within a development.
- + Municipalities in Nova Scotia can use inclusionary zoning to ensure the development of affordable housing units or they can accept cash in lieu of affordable units.

WHY IS IT SUITABLE FOR AMHERST?

- + Statistics Canada Census data suggests that Amherst has a shortage of affordable rental options in the town.

HOW COULD IT HELP ADDRESS AMHERST'S KEY CHALLENGES?



Demographic Change
& Housing Choice



Climate Change



Limited Land Supply



Ageing Infrastructure

Inclusionary zoning could result in higher numbers of affordable housing units being provided in the town. This could then result in helping to attract and retain people in Amherst, and help to grow the population.

4. Gap Analysis



4.1 Gap Analysis

The four key challenges and best practices provide a framework to evaluate policy and regulatory gaps in the Town's existing land use planning documents. Gaps represent missing pieces or shortcomings of the existing documents that prevent the Town from achieving its vision.

The gap analysis is divided into six main themes:

- + Document Administration,
- + Housing,
- + The Environment,
- + The Economy and Commercial Development,
- + Transportation, and
- + Culture, Heritage, and Recreation.

4.2 Document Administration

Topic	Gap and Problem
Addressing the Statements of Provincial Interest	The Province recommends that a section of the Municipal Planning Strategy be dedicated to addressing how the document includes provisions to meet the Statements of Provincial Interest. The existing Municipal Planning Strategy does not meet this requirement.
Background Information and Analysis	The Town's existing Municipal Planning Strategy does not include comprehensive supporting background information and analysis. While a background report was completed as part of the most recent review process, this information has not been included in the Municipal Planning Strategy. This information is important to provide context to the overall philosophy of the Municipal Planning Strategy and provide a framework for the policies.
Preamble for Policies	Much of the policy within the Municipal Planning Strategy does not have supporting preamble. While preamble is not necessary in a Municipal Planning Strategy, it can help the reader to interpret policies in cases of uncertainty or ambiguity, especially when there is staff change or turnover.
Engagement with Abutting Municipalities	As part of recent amendments to the <i>Municipal Government Act</i> , municipalities are now required to adopt policies and a consultation program to engage with abutting municipalities when amending or adopting a municipal planning strategy.
Criteria for Amending the Land Use Bylaw or Entering a Development Agreement	When Council is deciding to amend one of the planning documents or enter into a development agreement, there are criteria that Council can consider before making a decision on the application. While the Town's Municipal Planning Strategy includes a list of criteria for evaluation, there are gaps in criteria, including lacking consideration for climate change and other environmental factors.

Inclusion of Fees within the Land Use Bylaw	The Land Use Bylaw includes a schedule of fees (Schedule B) for processes related to development. For example, it establishes the fees for a Development Permit, a Variance request, and an application for a Development Agreement. While this provides the public with a clear picture of the costs associated with development, by listing these costs in the document, to update any fees or add any services, an amendment to the Land Use Bylaw would be required. This adds unnecessary complications to updating this document.
Core Area District Definition	The manner in which the Core Area District is defined and regulated could create future challenges for the Town. Because the Core Area District is defined as an overlay zone to the Downtown Zone, if any land within the Downtown Zone that is subject to the Core Area District regulations is rezoned, the Core Area District regulations would not apply.
Definitions within the Land Use Bylaw that Contain Regulations	While the definitions within the Land Use Bylaw are regulations themselves, there are some definitions that contain use- and/or development-specific regulations that are better suited for the General Provisions section of the Land Use Bylaw to ensure they are not missed when applying the document.
Use of Site Plan Approval	The Land Use Bylaw permits any development which cannot meet the requirements of the bylaw by Site Plan Approval. This, however, enables someone to propose any development in any area of the town, while it also creates ambiguity between the use of Site Plan Approval and Development Agreements for the permitting process.

4.3 Housing

Topic	Gap and Problem
Housing Diversity and Density	The Town's Low Density Residential Zone limits residential development to Single Dwellings and Double Dwellings. These low density forms of residential development use up a significant portion of developable land in Amherst, use services inefficiently, and do not assist in diversifying and densifying housing in Amherst.
Housing Diversity and Density	The maximum number of permitted dwellings in the General Residential Zone is four as-of-right. For any development proposal with five or more units, the development process must proceed through the Development Agreement process.
Housing Diversity and Density	The minimum lot standards for multi-unit residential development in the residential zones do not incentivize multi-unit development. For example, a four-unit apartment building requires 300 square metres of lot area per each unit (for a total of 1,200 square metres). These types of requirements eliminate the benefits of multi-unit development which are intended to use land and services more effectively.
Affordable Housing	Municipalities are limited in their ability to provide affordable housing. Except where municipalities own and operate affordable housing, there are limited tools for affordable housing development. However, the Province of Nova Scotia is working towards enabling inclusionary zoning in the province. This could allow municipalities to require a certain percentage of units to be affordable in new developments.
Housing Diversity, Housing Density, and Affordable Housing	The Town's Municipal Planning Strategy and Land Use Bylaw only permit backyard secondary suites (also known as Garden Suites) through the Development Agreement process. Development Agreements are generally a more cumbersome process for applicants, and may not be the more appropriate tool for this type of use.
Housing Diversity, Housing Density, and Affordable Housing	The Town's Land Use Bylaw prohibits basement-only dwellings, otherwise known as secondary suites. Basement-only dwellings offer an opportunity to diversify the housing stock without changing the built form and character of a neighborhood.

4.4 The Environment

Topic	Gap and Problem
Vertical Setback from Sea Level Rise	There are no provisions within the Municipal Planning Strategy and Land Use Bylaw to deal with sea level rise. Although Amherst is not a coastal town, there are areas of the town that could be impacted by sea level rise and storm surge, especially on the western side of the town.
Tree Strategy Policy	The Municipal Planning Strategy establishes a policy to create a tree planting program to replace trees that could be lost to disease. The policy prioritizes application along certain streets and green spaces; however, there is no rationale or criteria that connects the policy to the environmental policy goals of the Municipal Planning Strategy.
Gaps in Placement of Flood Plain Zone	Although Dickey Brook flows throughout the town, there are portions of the brook and areas directly adjacent to it that are not zoned as Flood Plain. This could enable development in areas that could be prone to flooding.
Stormwater Management	Replacing permeable surfaces, such as grass or natural areas, with impermeable surfaces, such as roads and buildings, increases stormwater runoff. As more of the town is developed, stormwater runoff will increase, potentially resulting in increased flooding.

4.5 The Economy and Commercial Development

Topic	Gap and Problem
Missing Policy for Neighbourhood Commercial Zone	The Neighbourhood Commercial Zone, which exists in the Land Use Bylaw, does not have enabling policy in the Municipal Planning Strategy.
Permitted Uses as Home Occupations	Uses permitted as home occupations are generally laid out in the Land Use Bylaw; however, the uses are not explicitly stated, meaning there is the potential for land use conflicts to occur.
Access Control along Major Commercial Streets	While the Town's Land Use Bylaw includes provisions for driveway accesses, the generality of these standards has resulted in many access points for commercial properties, especially along South Albion Street. This can create dangerous conditions for all road users.
Commercial "Main Street" Development Standards	Generally, the development pattern along South Albion Street/ Glooscap Trail has resulted in significant parking areas along the front lot line that separate the street from the main buildings. Introducing "main street" development standards could help to improve the form and function of the area.

General Intent and Application of Downtown Zone and Core Area District	<p>The Downtown Zone is applied not only to the traditional downtown core, but it has been applied to areas including Douglas Street, Queen Street, Clinton Street, and Chamberlain Street. The intent of the Downtown Zone is to promote development that is in keeping with the traditional downtown core of Amherst; however, this zone has, arguably, been applied to an area that is much larger than necessary. Areas beyond the traditional downtown exhibit a mix of land uses that may be more appropriate for these areas than what the Downtown Zone enables.</p>
	<p>The Core Area District, which is an overlay to parts of the Downtown Zone, provides additional regulations to the traditional downtown, particularly though design requirements. This overlay was adopted as an amendment to the existing Municipal Planning Strategy and Land Use Bylaw following a 2013 study. Because the amendments were significant in scope, the changes could not be integrated in a manner that ensured the document remained user-friendly, and has resulted in regulatory framework that could be confusing for the public.</p>

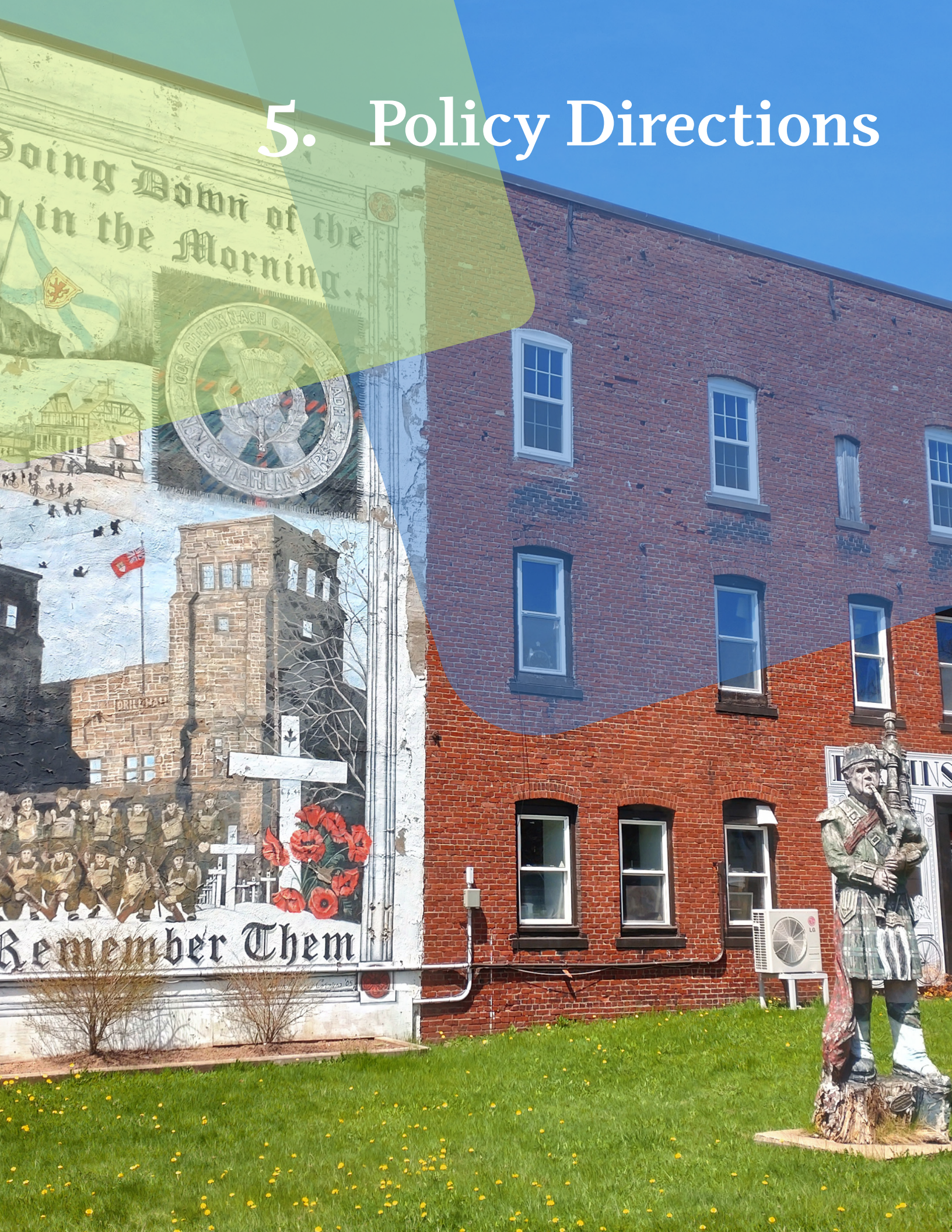
4.6 Transportation

Topic	Gap and Problem
Oversupply of Automobile Parking	The Land Use Bylaw has a requirement of one parking space for every 50 square metres of floor area for industrial uses. However, tying parking requirements to floor area for industrial uses often results in an oversupply of parking as industrial uses have unique parking needs. For example, a 5,000 square metre (~53,000 square foot) warehouse would be required to provide 100 parking spaces. However, it is unlikely that a warehouse would need 100 parking spaces, nor would a warehouse receive many visiting members of the public.
Bicycle Parking (Active Transportation)	In addition to requiring automobile parking, the Land Use Bylaw can require bicycle parking spaces for new development. The Town currently does not require bicycle parking spaces for development.
Requiring Electric Vehicle Charging Stations	As the uptake of electric vehicles increases, the supply of electric vehicle charging stations will also need to increase.
Building Accessibility	The Land Use Bylaw enables certain types of development to encroach into areas that would normally not allow development. For example, carports can be built on the side yard of a building so long as it is one metre away from the lot line. This type of encroachment should be expanded to include encroachments for accessibility ramps and elevators.

4.7 Culture, Heritage, and Recreation

Topic	Gap and Problem
Heritage Protection and Incentives	Registering a heritage property can be considered burdensome by property owners as it may reduce how a property owner can change the exterior of a property. Additionally, even after a property has been designated municipally-registered heritage property, some provisions enable the demolition of heritage properties.

5. Policy Directions



5.1 About this Section

The Town's new Municipal Planning Strategy and Land Use Bylaw will help to address the key land use issues facing Amherst, but it will also establish a framework to support sustainable growth and development in the town.

This section of the report compiles findings from the Background Report, the initial phase of engagement, the Best Practice Review, and the Gap Analysis to propose potential directions and recommendations for the new planning documents. The policy recommendations and directions are divided into seven categories:

- + Residential Uses,
- + Commercial Uses,
- + Industrial Uses,
- + Transportation,
- + The Environment,
- + Heritage, and
- + Administration.

The directions and recommendations proposed in this section are meant as a first attempt at finding solutions and approaches to current and future challenges. They are not set in stone but are meant to initiate discussion among Town Staff, the Planning Advisory Committee, and the public about the future of Amherst. The directions and recommendations that are proposed do not represent all of the potential changes to the Town's planning documents but represent significant changes or alterations to the Town's current approach to land use planning, and thus require consideration.

5.2 Residential Uses

Residential Zoning Framework

Within the Town's existing Land Use Bylaw, there are three zones designated for residential development:

- + General Residential Zone,
- + Low Density Residential Zone, and
- + Mini Home Park Zone.

Generally, these zones prioritize low-density housing, although denser forms of housing are permitted in the General Residential Zone by Development Agreement. With an ageing population and shifting housing preferences and needs, the town may experience pressure for additional multi-unit apartment-style development in the future. Although the existing residential planning framework enables multi-unit development, there are opportunities to promote a greater diversity of housing in Amherst.

Housing options, and the need for more affordable housing, was a key theme to emerge from the initial engagement for Plan Amherst. Respondents suggested there was a need for more diversity in housing, including multi-unit development and housing for seniors. Respondents did, however, feel

that denser forms of housing need to be carefully integrated into the town's fabric so as not to negatively impact existing residential areas.

With a growing need and desire for housing diversity in Amherst, the Town can update the existing planning framework to promote a mix of housing options. Possible directions for the new planning documents include:

- + eliminating land use zones that prioritize single- and two-unit residences;
- + establishing a land use zone that prioritizes multi-unit development;
- + identifying future residential growth areas;
- + clarifying and simplifying the standards for residential development; and
- + establishing development criteria for multi-unit development.

Possible Direction 1: Eliminate Low Density Residential Zone

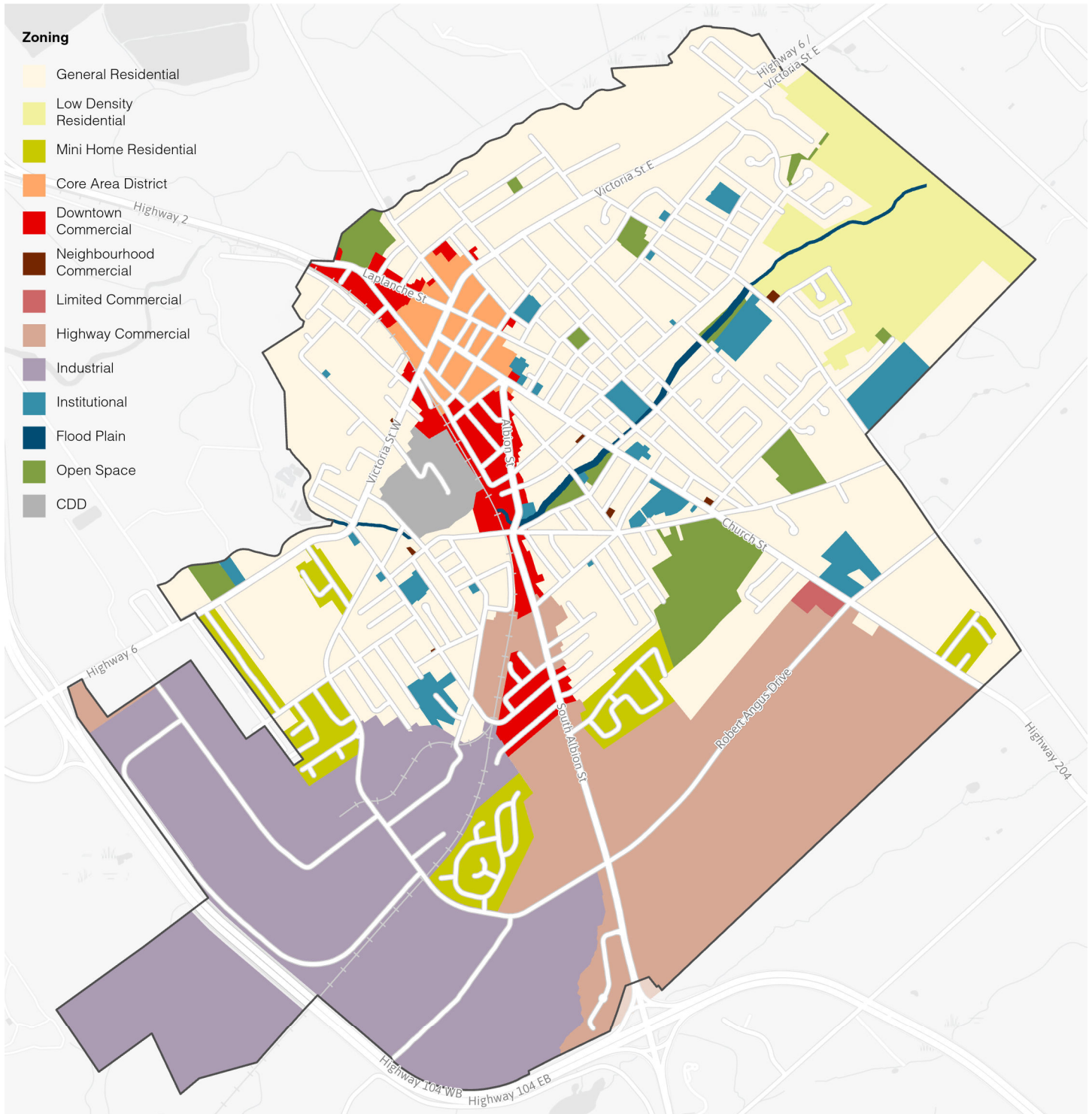
The Low Density Residential Zone is applied to a significant portion of the northeast corner of the town. This zone, however, is relatively restrictive and only permits single- and two-unit dwellings. To promote housing diversity and denser forms of development, the Town could remove the Low Density Residential Zone and replace it with the General Residential Zone.

Under the existing regulations, this change would allow a greater diversity of housing options to be developed in these areas, including townhouses and four-unit residential dwellings. Because much of the area that's zoned Low Density Residential is undeveloped and 'unsubdivided', this Plan Review process is an excellent opportunity to rezone these lands without significant concern for creating non-conforming uses.

Alternatively, instead of removing the Low Density Residential Zone, it could be adapted to enable more dwellings per lot (e.g., up to four).

Possible Direction 2: Rezone a Portion of Highway Commercial Zone for Residential Development

The Highway Commercial Zone, which prioritizes large-scale commercial development, is applied to much the land bound by South Albion Street, Robert Angus Drive, Church Street, and the Town's eastern boundary. While preserving some of this land for commercial development is important—especially the land directly adjacent to Robert Angus Drive—there is an opportunity for residential development between future commercial development along Robert Angus Drive and the Town's boundary. Rezoning the area between future commercial development along Robert Angus Drive and the Town's boundary to a zone that prioritizes residential development (e.g., General Residential Zone) could promote residential development in these areas.



Current Zoning: Town of Amherst

Possible Direction 3: Establish a Zone that Prioritizes Multi-unit Development

The existing set of residential land use zones prioritizes low-density forms of housing, although the General Residential Zone permits multi-unit buildings (five or more units) by Development Agreement. As the General Residential Zone makes up the majority of residentially-zoned land in Amherst, this approach effectively means that multi-unit buildings can be proposed across a large area of the town. However, this approach has two primary drawbacks:

1. Multi-unit buildings may be proposed in areas that are not suitable for denser development. This could be because of servicing capacity (e.g., sewer and water) or in areas that may create land use conflicts with surrounding low-density uses.
2. Multi-unit buildings may be proposed in areas that are not located near amenities and services, reducing one of the major benefits of multi-unit housing.

As a generally more affordable form of housing, the Town could establish a new land use zone that prioritizes multi-unit development and enables this style of development as-of-right or through Site Plan Approval. This zone could include provisions to ensure design, landscaping, and other factors are considered within the development.

By establishing a zone specifically for multi-unit development, it could be strategically applied to specific areas of the town that are most suited for multi-unit development.

Possible Direction 4: Remove or Reduce Per Unit Requirements for Apartment Buildings

Within the General Residential Zone, apartment buildings built as-of-right are required to provide 300 square metres of lot area and 10 metres of lot frontage for every dwelling that's developed. These types of requirements effectively eliminate the benefit of multi-unit housing as larger lots are needed to accommodate larger residential developments.

Possible Direction 5: Establish Additional Criteria for Multi-unit Development

One of the concerns with multi-unit development in Amherst is how these types of development are integrated into the fabric of the community. Multi-unit residential developments can cause concern for surrounding landowners; however, many of these concerns can be mitigated by establishing siting and design criteria and additional policies to guide multi-unit residential development. Applying a framework so multi-unit residential development is developed in strategic areas and using specific criteria for as-of-right and discretionary planning (Site Plan Approval and Development Agreements) applications can mitigate potential land use conflicts.

Possible Direction 6: Clarify and Update Standards for Residential Development in the Commercial Zones

Within the commercial land use zones, residential uses are permitted, but the standards for development lack clarity. There are broad standards established for all residential uses in the commercial zones, but in some instances, there are standards for residential uses specific to each commercial zone. This framework creates ambiguity as to which standards would apply to residential uses in the commercial zones. Clarifying the framework for residential development within the commercial zones would help simplify the development process.

Affordable Housing

One of the major topics to emerge from the initial engagement was the need for more affordable housing. Municipalities are generally limited in their ability to provide affordable housing, and land use planning has traditionally played an indirect role by enabling different forms and densities of housing, which ultimately impacts housing costs. In October 2021, the Province of Nova Scotia amended the *Municipal Government Act* to enable Inclusionary Zoning—a tool that enables municipalities to require a certain percentage of units in a development to be provided as "affordable housing" or to accept cash in lieu of affordable units.

Possible Direction 1: Explore the Adoption of Inclusionary Zoning

The Town could adopt Inclusionary Zoning and require a percentage of affordable units in residential developments or accept cash in lieu. Consideration will need to be given to what constitutes "affordable housing", how long affordable units are required to stay affordable, and what type of development would trigger the need to provide affordable housing (e.g., when 10 or more units are proposed).

Accessory Dwellings

Accessory dwellings are residential dwelling units that are "accessory" or secondary to a main dwelling. These accessory dwelling units are smaller in floor area than a main dwelling, and they can be located in the same structure (sometimes called "basement suites") or they can be located in a separate structure on the same lot (sometimes called "garden suites" or "backyard suites"). Like all dwelling types, accessory dwellings must adhere to the National Building Code of Canada.

Within the Town's existing planning documents, the development of accessory dwellings is relatively restricted. Backyard suites require a Development Agreement, while basement suites are not permitted. Permitting these uses as-of-right could help to diversify the town's housing stock, create affordable housing options and rental options, and help maximize land use efficiency without significantly impacting the built form and character of a neighbourhood. Accessory dwellings can also help to supplement (or replace) a property owner's income.

Possible Direction 1: Enable Garden Suites As-of-Right

Within the existing planning documents, garden suites are permitted in the Low Density Residential Zone and General Residential Zone by Development Agreement. A Development Agreement may not be the most appropriate tool here as the primary considerations for garden suites (parking, siting and location, screening, and landscaping) can be controlled through the as-of-right process.

Because garden suites are often unseen (they are located in the backyard of a lot), they have a limited impact on the character and function of a neighbourhood—they 'gently' add density to a neighbourhood. Enabling garden suites as-of-right could promote greater development of this type of housing.

Possible Direction 2: Permit 'Basement Only' Dwellings

Dwellings located exclusively within a basement are prohibited in Amherst. This would include accessory dwellings within a dwelling. These types of dwellings represent a viable option for housing within the town and could help to diversify Amherst's housing stock.

Like garden suites, basements suites have a limited impact on the built form of a neighbourhood, and any potential land use considerations (e.g., parking) can be regulated through the as-of-right process. Basement suites are regulated under the National Building Code of Canada and are required to meet a specific set of standards within the Code.

5.3 Commercial Uses

Commercial Zoning Framework

The existing planning documents implement four land use zones that prioritize commercial uses and development:

- + Highway Commercial Zone,
- + Downtown Zone,
- + Limited Commercial Zone, and
- + Neighbourhood Commercial Zone.

These four land use zones enable different forms and scales of commercial development throughout Amherst.

In addition to these land use zones, a Core Area District Overlay is applied to much of Amherst's downtown. This Overlay establishes an additional set of regulations, concerning building design, and was added to the Land Use Bylaw through an amendment in 2013. Because the Core Area District Overlay was implemented as an amendment, the existing planning framework can be challenging for the public to use.

With the Town now undertaking a comprehensive review of its Municipal Planning Strategy and Land Use Bylaw, there is an opportunity to simplify the framework for commercial zoning.

Possible Direction 1: Reduce the Scope of the Downtown Zone and Align with Core Area District Overlay

The Downtown Zone encompasses not only the traditional downtown, but includes areas such as Douglas Street, Queen Street, Clinton Street, and Chamberlain Street. The extent of the Downtown Zone is, therefore, beyond what is thought of as the downtown and may be applied in areas that are not necessarily appropriate for the level of regulations within the Downtown Zone. The Town could reduce the scope of the Downtown Zone to the area covered by the Core Area District Overlay, which would more closely represent the downtown core of Amherst. This change would enable the Town to integrate the regulations of the Core Area District Overlay into the Downtown Zone requirements, eliminating the Core Area District Overlay and creating a more user-friendly document.

Possible Direction 2: Create a Mixed Use/Main Street Zone

The areas subject to the Downtown Zone but which are located outside of the traditional downtown may be subject to regulations beyond what is necessary for the area. For these areas, a Mixed Use / Main Street Zone that is generally more permissive than the Downtown Zone may be more appropriate. This zone could include basic design and siting requirements, but be more flexible than the Downtown Zone to promote a mix of development types.

Possible Direction 3: Explore Enabling Density Bonusing

Density bonusing (see page 18 of this report) is a tool that has been enabled by the Province of Nova Scotia in every municipality in the province. This provision was enabled after the adoption of the Town's existing Municipal Planning Strategy and Land Use Bylaw, and it could help to promote greater development densities along strategic transportation routes and in the downtown.

Possible Direction 4: Enable Adaptive Reuse of Commercial and Industrial Structures by Development Agreement

There are vacant buildings in Amherst that have the potential to be used for a purpose that would otherwise be prohibited by the planning rules. While the intent of these rules may be generally appropriate for the area, there could be an opportunity to allow commercial and industrial buildings to adopt a use that would normally be prohibited. Enabling adaptive reuse by Development Agreement introduces flexibility into Amherst's planning framework, while giving Council a greater level of management over a development to mitigate potential impacts.

Commercial Street Design Standards

Streets like South Albion Street are important commercial corridors for the town and region. People come from around Amherst and Cumberland County to access the goods and services along Amherst's main commercial streets. But as Amherst has grown as a commercial centre, large-scale commercial development has manifested like most other car-oriented developments, with large parking lots located in front of buildings with many driveway accesses. This style of development leaves large areas between sidewalks and buildings, and because car traffic is prioritized, it makes conditions uncomfortable for pedestrians.

During the initial phase of engagement, several respondents noted they would like to see greater attention paid to building design, pedestrian comfort, and car access. Introducing design standards along Amherst's major commercial streets could create a safer and more comfortable environment for both pedestrians and drivers.

Possible Direction 1: Adopt Site Plan Approval for Large Developments in the Highway Commercial Zone

Site Plan Approval is a tool enabled by the *Municipal Government Act* that gives municipalities the ability to implement additional standards for development. These standards are often design-oriented, such as requirements for landscaping, location of parking and driveways, and active transportation connections.

For larger developments in the Highway Commercial Zone, which have a significant impact on the built environment, the Town could use Site Plan Approval as the permitting process. The Town could work with developers through the Site Plan Approval process to consider factors such as the location of parking, landscaping, and driveways. Taken together, these factors help to promote safer, more comfortable environments for pedestrians and drivers.

5.4 Industrial Uses

Industrial Zoning Framework

Industrial development in Amherst is concentrated in the southeast corner of the town, and the Town uses a single land use zone, the Industrial Zone, to facilitate the majority of its industrial development. The Industrial Zone permits a wide range of industrial and manufacturing uses, and the zone includes additional requirements for industrial uses that abut a residential use.

Because industrial uses have the potential to cause land use conflicts with surrounding uses, especially residential uses, the existing approach to industrial zoning should be carried forward into the new Municipal Planning Strategy and Land Use Bylaw.

Possible Direction 1: Maintain Existing Approach to Industrial Zoning

The existing approach to industrial land uses in Amherst helps to separate industrial land uses from non-compatible uses, such as residential dwellings. This approach is effective in designating certain areas of the town for industrial development and it should be carried forward into the new land use documents.

5.5 Transportation

Automobile Parking

Based on a 2010 report, Amherst has a significant oversupply of parking. In the downtown core, there is an oversupply of parking in the range of 100% to 500% more than is typically necessary for a town of Amherst's size and population. Under the Town's Land Use Bylaw, developments must provide a minimum number of parking spaces; however, with a limited supply of land in Amherst, there is an opportunity to reexamine minimum parking requirements to promote land use efficiency.

There is a growing push across North American municipalities to reduce, or in some cases eliminate, minimum parking requirements. Cities as large as Edmonton, AB, have removed their minimum parking requirements from their land use planning documents. Reducing or eliminating minimum parking requirements could have several positive impacts, including:

- + more land can be used for development instead of parking;
- + it could reduce stormwater and urban heat impacts; and

- + it could reduce the cost to develop as smaller parcels could be used without needing to provide parking.

Possible Direction 1: Reduce or Eliminate Minimum Parking Requirements

Reduced or eliminated parking requirements could be applied across the entire town, limited to certain zones (e.g., Highway Commercial Zone), or only applied to certain uses (e.g., industrial or commercial developments), or a combination thereof.

As minimum parking requirements represent minimum standards, developers can still choose to create parking to meet their demand.

Active Transportation

Many respondents during the initial phase of engagement cited they use their car as the primary mode of transportation, but would welcome more opportunities to use active transportation, such as cycling, to get around Amherst.

Just like car parking, land use bylaws can require the provision of bicycle parking spaces for development. Bicycle parking is an important facility for active transportation use and is often a prerequisite for active transportation users.

Possible Direction 1: Establish Minimum Bicycle Parking Requirements

The Town could establish minimum bicycle parking requirements for certain zones (e.g., Downtown Zone) or certain types of uses (commercial uses) to help promote active transportation in Amherst.

Possible Direction 2: Accept Bicycle Parking in Lieu of Automobile Parking

If the Town decides to reduce (or maintain) minimum automobile parking requirements but not eliminate them, the Town could enable a developer to provide bicycle parking in lieu of automobile parking, up to an established maximum. For example, if a developer was required to provide 10 automobile parking spaces, the Town could enable the developer to instead provide seven automobile parking spaces and nine bicycle parking spaces. Providing bicycle parking instead of car parking would be optional and at the discretion of the developer.

This provision could help to promote active transportation by helping to establish needed active transportation facilities, while also helping to reduce development costs (i.e., the cost to provide automobile parking is reduced).

Electric Vehicle Charging

There is growing uptake of electric vehicles in Nova Scotia, meaning there will also be a need for a greater number of electric vehicle charging stations in Amherst. Charging stations normally come as stand-alone units, but there may come a time when commercial charging stations, not unlike a contemporary gas stations, are commonplace. It will be important for the Town to have a framework in place as electric vehicles and their supporting infrastructure become more widely adopted in the community.

Possible Direction 1: Permit Accessory and Commercial Electric Vehicle Charging Stations

In most cases, electric vehicle charging stations come as stand-alone, accessory, single stations. These stations function similarly to an automobile parking spot, and they should be permitted throughout Amherst.

On the other hand, commercial electric vehicle charging stations with multiple charging stations function more like a gas station and should only be permitted in appropriate land use zones (e.g., Highway Commercial Zone).

5.6 The Environment

Sea Level Rise

Although Amherst is not a coastal community, the town's location along the Chignecto Isthmus means there are some areas of town that are at risk of flooding by sea level rise. As many as 80 properties within Town boundaries are directly at risk of flooding from sea level rise.

Sea level rise was not a topic heavily discussed during the initial phase of Plan Amherst; however, there is growing urgency across Nova Scotia to implement regulations that prevent development in areas that are prone to flooding from sea level rise and storm surge.

Possible Direction 1: Defer to Coastal Protection Act Regulations for Minimum Vertical Setbacks

Several municipalities have developed and implemented development setbacks from the shoreline to protect against sea level rise. However, with the forthcoming Provincial *Coastal Protection Act* Regulations, it is reasonable to suggest the Town wait to adopt and implement the provincial regulations to avoid regulatory redundancies.

The Provincial *Coastal Protection Act* Regulations are anticipated to include vertical setbacks that establish minimum building elevations.

Inland Flooding

Dickey Brook is a tremendous asset for community use and enjoyment. The brook also plays an integral role in managing stormwater and precipitation flows. During heavy rainfall and precipitation events, Dickey Brook can, however, be prone to flooding. The areas directly adjacent to Dickey Brook should be protected from development to prevent development in potentially hazardous areas and to help preserve the brook as a community asset.

Possible Direction 1: Implement Flood Plain Zone along Entirety of Dickey Brook

The Town currently protects the areas along Dickey Brook through the Flood Plain Zone, but the zone is not applied to the entire brook. The Town could explore implementing the Flood Plain Zone to the entirety of Dickey Brook, including in the areas where the brook flows underground through culverts, to limit development in potentially hazardous areas.

Stormwater Management

Stormwater management is increasingly becoming a challenge for municipalities. As natural lands are cleared and developed, stormwater runoff often increases, which has the potential to cause localized flooding. Stormwater runoff can also cause issues such as erosion, sedimentation, and contamination of waterways.

As climate change is expected to bring more frequent and severe storm events to Nova Scotia, the Town can begin adapting to a changing climate by implementing tools through the Land Use Bylaw to reduce stormwater runoff.

Possible Direction 1: Establish Maximum Lot Coverage Standards for Residential Zones

One of the primary causes of stormwater runoff is impermeable surfaces on a lot. Surfaces such as roofs and parking lots prevent (or severely restrict) precipitation from soaking into the ground and entering the water table. Rather, these surfaces result in precipitation flowing over land and into storm drains creating stormwater runoff.

One tool to manage stormwater runoff is maximum lot coverage standards for residential zones. Maximum lot coverage standards determine the maximum percentage of a lot that can be built upon (e.g., 30% of a lot can be covered by buildings).

Clean Energy Production

Technological advances in clean energy production have reduced the cost to implement solar energy systems. These systems are not addressed in Amherst's land use planning documents, and there is an opportunity to create a clear framework for their development.

Larger-scale, free-standing solar energy systems require additional considerations for their development in the town. Non-accessory solar systems could be limited to industrial or large scale-commercial areas to prevent and limit land use conflicts from occurring.

Possible Direction 1: Enable Accessory Solar Systems and Solar Systems as a Main Use

Clean energy systems can be broken down into two broad categories—accessory systems that largely supplement a property's energy use and systems that function as a main use that's primary purpose is to supply energy back to the power grid. These systems should be treated differently because of their potential to create land use conflicts.

Accessory, small-scale solar energy systems could be permitted throughout the town for homeowners and businesses to supplement their energy use. These systems are usually limited to those located on a building (e.g., a roof) or in a property's backyard but limited in the overall panel area.

5.7 Heritage

Heritage Preservation

Heritage preservation emerged as a priority for stakeholders during the initial phase of engagement for Plan Amherst. Survey respondents cited the importance of Amherst's built form and heritage, and noted they would like to see more heritage properties preserved.

In Nova Scotia, the *Heritage Property Act* is the Provincial legislation governing heritage properties. It gives municipalities the ability to register and protect heritage properties; however, there are limits to the legislation, and the owner of a registered heritage property can demolish said property after a period of three years.

That being said, there are potential tools the Town could use in its Municipal Planning Strategy and Land Use Bylaw to incentivize the registration of heritage properties.

Possible Direction 1: Reduce Development Standards for Registered Heritage Properties

The Town could reduce development standards for registered heritage properties as a way to incentivize property owners to register their heritage properties. Reductions could include:

- + eliminating parking requirements;
- + enabling additional sleeping units in a Bed and Breakfast; and
- + enabling additional sleeping units in a Rooming House.

***Possible Direction 2: Use
Development Agreements
to Incentivize Heritage
Registration***

The Town could use Development Agreements to incentivize property owners to register their heritage property in exchange for greater development flexibility. This proposed approach could help to incentivize the registration of heritage properties in exchange for allowing a property owner to pursue unique development—either a unique land use or a unique scale/style of building. Through the Development Agreement process, additional provisions could be included to ensure the heritage property is preserved.

5.8 Administration

Development Process

The process to undertake development in Amherst needs to be clear and supported by rationale. Requirements that are disproportionately strict relative to the type of development may prevent growth and development from occurring, while a lack of regulations may result in land use conflicts occurring. A balance must be struck between overly strict and lenient regulations to ensure the public interest is met.

Municipalities in Nova Scotia have three primary processes to regulate development:

- + as-of-right,
- + Site Plan Approval, and
- + Development Agreements.

These processes are discussed in greater detail on pages 5 and 6 of this report, and each process provides a pathway to development. While the Town uses as-of-right development and Development Agreements to facilitate development, the manner in which Site Plan Approval is used requires greater clarity.

Possible Direction 1: Clarify Use of Site Plan Approval

Within the Town's Land Use Bylaw, it states "In any zone a development permit may be granted by site plan approval, where the proposed development cannot satisfy all relevant requirements of this Bylaw." This statement creates two challenges:

- + it allows someone to propose any development in any area of the town without necessarily having the requirements in place to control any negative impacts; and,
- + it creates ambiguity between the use of Site Plan Approval and Development Agreements for the permitting process.

The Town can address these issues by clearly identifying which uses in each land use zone are permitted by Site Plan Approval. This will also allow the Town to develop appropriate criteria for the Site Plan Approval process.

