

# **Proposed Amendments to the Conway and Area Municipal Planning Strategy and Land Use By-law of the Municipality of the District of Digby**

*The italicized section of this document is intended to provide an explanation of the amendments and will not form part of the amendments adopted by Council.*

*The amendments are divided into two parts. The first part contains amendments necessary to achieve consistency with the Municipality's new Subdivision Bylaw. The second part contains amendments relating to changes to the Industrial area of Conway.*

## **Subdivision By-law Amendments**

*Amendments 1 and 5 of the MPS and the LUB Amendment reflect PAC decision to allow private road development in Conway because the proposed new Subdivision By-law will prohibit new public roads throughout the Municipality. Amendments 2, 3 and 4 provide consistency with the open space and other requirements of the new Subdivision By-law. Amendment 6 is a housekeeping amendment which is necessary because of Council's decision to adopt a Municipal Planning Strategy for the entire municipality.*

## **Municipal Planning Strategy**

1. Policy 7.8.1 is amended by deleting the sentence "It will also prohibit the creation of private roads."
2. Section 3.3 is amended by deleting the following:

"In order to help finance recreational development and use of these lands, the equivalent value of land dedication should be taken when residential subdivisions take place and the moneys held to purchase land for open space in appropriate locations.

**It is the policy of Council to:**

### **Policy 3.3.1 Taking equivalent value for community reserve.**

Take the equivalent value of open space dedication when approving a subdivision, with moneys so accumulated being used to acquire lands for public open space purposes. Nothing in this policy shall prevent Council from using general revenue funds to acquire open space lands within the planning area."

3. Policy 3.3.2 is deleting and the following substituted:  

**“Policy 3.3.2 Council shall require in its subdivision by-law that subdivisions on new private roads serving 20 or more lots be required to convey an area of useable land, equal to five (5) percent of the area of the new lots created.”**
4. Policy 7.7.1 is amended by deleting “provided that the minimum lot area requirements of the Land Use Bylaw can be met”.
5. Policy 7.8.1 is amended by deleting “It will also prohibit the creation of private roads. Standards will be established for the construction of roads being created for adoption by the Municipality”.
6. The term “Municipal Planning Strategy” is replaced by the term “Secondary Planning Strategy” wherever it appears.

#### **Land Use By-law**

1. **PART 1-2 DEFINITIONS** is amended by adding the following to the end of definition 110 **STREET OR ROAD**:  

“and includes a private road as defined in the Subdivision By-law for the Municipality.”

## **Industrial Area Amendments**

*These amendments reflect the Planning Advisory Committee's decision to remove residential properties (these properties are currently developed with a residential use or are adjacent to residential uses) from the Industrial area of Conway.*

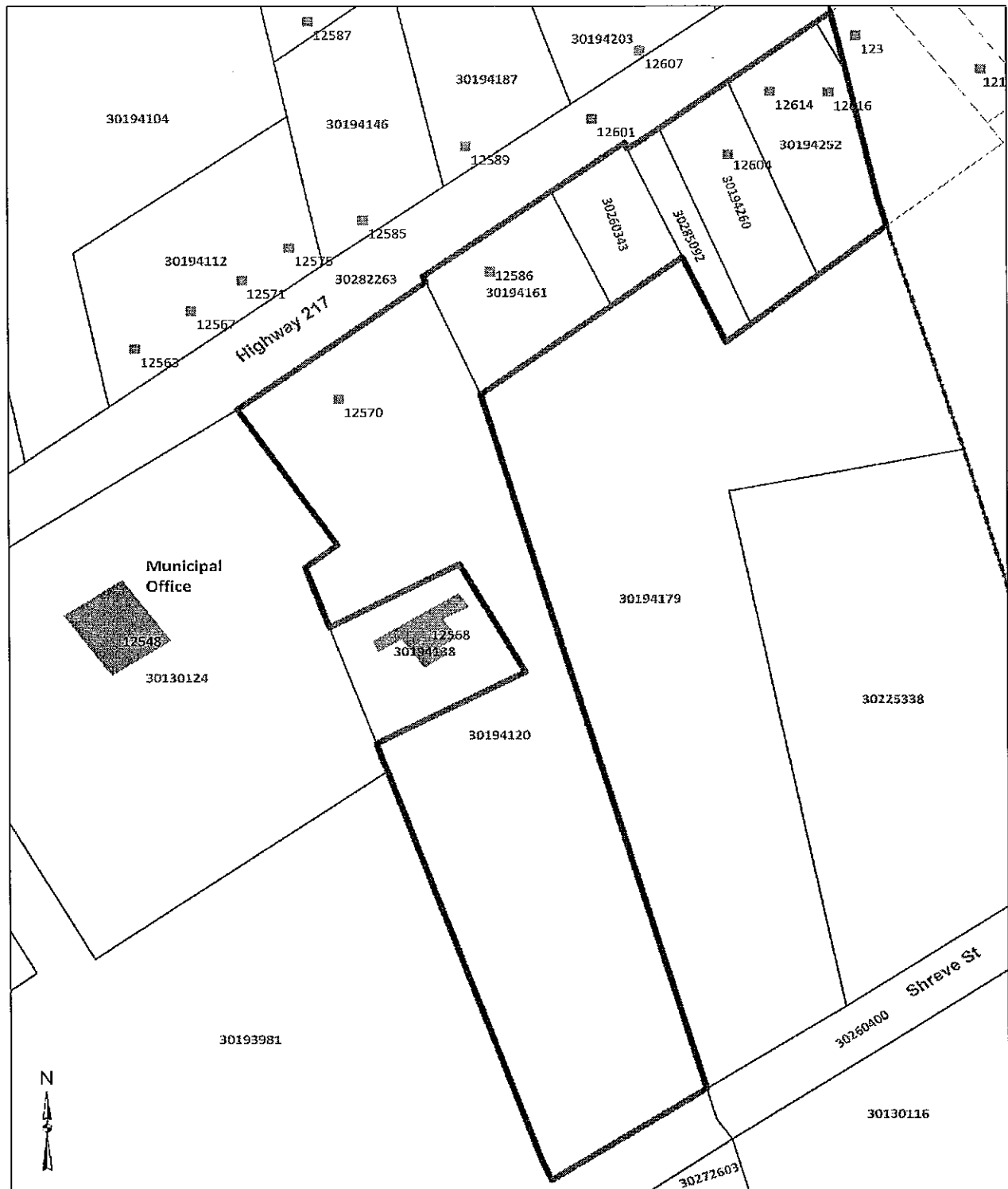
### **Municipal Planning Strategy**

1. Policy 3.2.7 is amended by deleting ", together with associated lands as Industrial".
2. Section 8.0 is amended by deleting "Those small lots that lie on the south side of Hwy. 217, between the Industrial Park and the Digby Town Boundary, are seen as future industrial use lands and are zoned appropriately" in the first paragraph.
3. Policy 8.1.1 is amended by "and the few lots fronting the south side of Hwy. 217 surrounded by the Industrial Park, and hard up to the Town boundary, and".
4. The Generalized Future Land Use Plan is amended by redesignating the properties identified by the following property identifiers from "Industrial" to "Residential":
  - 30194120
  - 30194161
  - 30260343
  - 30285092
  - 30194260
  - 30194252
  - 30194005

### **Land Use By-law**

5. The Zoning Map is amended by rezoning the properties identified by the following property identifiers from "Industrial (M) to Urban Residential (R-2):
  - 30194120
  - 30194161
  - 30260343
  - 30285092
  - 30194260
  - 30194252
  - 30194005

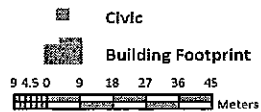
The above properties are also shown on the attached map



## Municipality of the District of Digby

### Amendment of the Conway Municipal Planning Strategy and Land Use By-law

The properties shown above are being redesignated from Industrial to Residential and are being rezoned from the Industrial (M) Zone to the Urban Residential (R-2) Zone



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This is to certify that the foregoing is a true copy of an amendment of a Municipal Planning Strategy and Land Use By-law passed at a duly convened meeting of the Council of the Municipality of the District of Digby, held December 15, 2008

Given under the hands of the Municipal Clerk and under the seal of the Municipality of the District of Digby this the 19th day of December, 2008.



Linda Fraser, CAO/Municipal Clerk


First Reading	November 24, 2008
Notice of Intent Publication	December 3, 2008
Second Advertisement	December 11, 2008
Second Reading/Public Hearing	December 15, 2008
Forwarded to the Minister	December 19, 2008
Date of Publishing	<i>February 4, 2009.</i>

**Municipality of the District of Digby  
Amendments to the Municipal Planning Strategy and Land Use Bylaw**

**Adopted by Council on December 15, 2008**

I acknowledge receipt of these amendments to the Conway Area Municipal Planning Strategy and Land Use Bylaw dealing with issues of consistency with the Municipality's new Subdivision Bylaw, adopted at a meeting of the Council of the Municipality of the District of Digby held on December 15, 2008.

I have reviewed the documents pursuant to Section 208 of the *Municipal Government Act* and have not determined that the documents fall within any of the categories requiring approval listed in subsection 208(3), therefore the documents are not subject to the approval of the Minister of Service Nova Scotia and Municipal Relations.



Dave Smith  
Assistant Provincial Director of Planning

Dated: JAN 21 2009