



**Subject:** *Motion C24(89) and C24(161): Lot Grading and Drainage Unserviced Areas*  
**To:** CAO for Planning Advisory Committee, June 17, 2025  
**Date Prepared:** June 6, 2025  
**Related Motions:** P24(19), C24(89), P24(29), C24(161), PAC24(57), PAC24(65), and C24(342), PAC25(40), and C25(119)  
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**Approved by:** John Woodford, Director of Planning and Development

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### Summary

Since March of 2024, East Hants Council has passed a variety of motions in relation to extending lot grading and drainage requirements to lots with onsite services. In March 2025, staff presented a variety of options for amending Bylaw P-1200, Lot Grading and Drainage. As a result of the staff report, Council passed Motion C25(119) “...that Council proceed with amending Bylaw P-1200, Lot Grading and Drainage to require the submission of a lot grading and drainage plan for all lots up to a maximum of 1.21 hectares (3 acres), where no Municipal services are provided; and authorize staff to consult with the public on the proposed change” and directed staff to hold three public information meetings, one meeting in each region of the Municipality.

Notes from the three public information meetings have been attached as Appendix B.

Based on a review by Engineering and Planning staff and the discussion held at the PIMs, Municipal staff are recommending an alternative option for the consideration of Planning Advisory Committee.

Staff will bring forward the proposed stormwater management amendments to the Subdivision Bylaw, which was also discussed at the PIMs, to a future PAC meeting.

### Financial Impact Statement

There is no immediate fiscal impact on the Municipality for the adoption of this report.

### Recommendation

To direct staff to prepare draft amendments to Bylaw P-1200, Lot Grading and Drainage.

### Recommended Motion

*Planning Advisory Committee recommends that Council:*

- *direct staff to prepare draft amendments to Bylaw P-1200, Lot Grading and Drainage Bylaw, to require a lot grading and drainage plan for unserviced lots and bare-land condo units, for structures located 15 m or less from a property line or condominium unit line.*

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## Background

At their March 2024 Council meeting, Council passed a motion directing staff to write a report regarding extending Bylaw P-1200, Lot Grading and Drainage to lands in the un-serviced areas of East Hants and provide options for Council's consideration.

The purpose of the Lot Grading and Drainage Bylaw is to manage the drainage of water on individual lots, so as not to have a negative impact on the subject property or adjoining lands. The Bylaw was adopted in 2006 and is only applicable to lands located in the GMAs, except Mount Uniacke which has on-site wastewater services.

### List of Motions Related to Bylaw the Expansion of the Lot Grading and Drainage Bylaw to Unserviced Lots

For the information of Planning Advisory Committee members, below is a list of all of the motions passed by Council concerning expanding lot grading requirements to unserviced lots:

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|------------------------|--|
| <b>Motion C24(89)</b>  | <b><i>Council authorize staff to prepare a report for Committee regarding instituting a lot grading plan for un-services areas including both subdivisions and single lots.</i></b>  |
| <b>Motion C24(161)</b> | <b><i>Moved that staff prepare another report on lot grading issues in the unserviced areas including a jurisdictional scan of neighbouring or like-sized municipalities to review their policies.</i></b>   |
| <b>Motion C24(342)</b> | <b><i>Moved that Staff complete some research for a report outlining what it would look like to empower the Development Officer(s) to have autonomy and leeway to determine when a lot grading certificate is required in serviced and unserviced areas.</i></b>   |
| <b>Motion C25(119)</b> | <b><i>Moved that Council proceed with amending Bylaw P-1200, Lot Grading and Drainage to require the submission of a lot grading and drainage plan for all lots up to a maximum of 1.21 hectares (3 acres), where no Municipal services are provided; and authorize staff to consult with the public on the proposed change.</i></b> |

### Bylaw P-1200, Lot Grading and Drainage

In East Hants the Lot Grading and Drainage Bylaw applies to all lots for which a building permit is required and which are to be connected to a wastewater system, except in the following situations:

- a) Renovation of an existing building within the original footprint.
- b) For an accessory structure, which is single storey and 55 m<sup>2</sup> or less.
- c) Or if the development of the site is being regulated by a development agreement which may have alternative requirements.

The Lot Grading and Drainage Bylaw does not currently apply to lands with on-site services.

### East Hants Municipal Standards

Where a lot grading and drainage plan is required in East Hants, the plans must conform with the Municipal standards. Section 6.0 Lot Grading of the Municipal standards states that the objective of lot grading is to provide for the safe and effective drainage of stormwater while minimizing damage to buildings and property and mitigating effects on adjacent properties and Municipal service systems.

## **Halifax Regional Municipality**

Halifax Regional Municipality has Bylaw L-400, Respecting Lot Grading. The Bylaw applies to the development of all residential lots located within an area where a sanitary sewage system is provided. Halifax, has another grading bylaw, Bylaw G-200, A Bylaw Respecting Grade Alteration, that applies to commercial and industrial lots.

In 2016, Halifax Council adopted a version of the Lot Grading Bylaw that included residential properties in unserved areas of the Municipality. However, the Bylaw was extremely unpopular and in September of 2016, Council passed a motion for staff to prepare a report to exclude those areas outside the serviceable boundary from the bylaw. The reason for the change was that Bylaw L-400 was creating negative repercussions and financial hardship for small developments in the rural regions of Halifax.

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## **Citizen Engagement**

A public information meeting is not required for Bylaws that are approved by Council under Part VII of the Municipal Government Act. However, in the case of Bylaw P-1200, Lot Grading and Drainage, Municipal Council felt that consultation with the development community and residents was an important part of the Bylaw review process.

Three PIMs were held, one in each region of the Municipality: Elmsdale, Kennetcook, and Mount Uniacke. Notes from the meetings have been attached as Appendix B. In general, home builders, developers, and Engineers who attended the meetings were not in favour of the proposed amendments that would require all lots with onsite services, that are 3 acres or less, to complete a lot grading and drainage plan. The development community indicated that the proposed changes would impact the cost of the homes being constructed and it would increase the time to prepare information for permits. In general, the developers who attended the meetings thought that home builders were doing an adequate job of ensuring their lots are graded and drained properly but acknowledged that there may be some builders who do not take the same care.

East Hants residents also attended the meetings and expressed their concerns with the current lack of regulations in relation to lot grading and drainage. They also expressed concerns about how future development could impact themselves and their neighbours if regulations are not put in place.

The general message is that it is difficult to balance the cost of the proposed regulation on builders and developers and the need to protect current and future residents from lot grading and drainage issues.

## **STRATEGIC ALIGNMENT**

Amendments to Bylaw P-1200, Lot Grading and Drainage, aligns with Council Strategic goal to build strong communities by “Ensure[ing] the East Hants official community plan is effective in managing changes in the community, reducing land use conflict and protecting both natural resources and community character.”

## **LEGISLATIVE AUTHORITY**

The Municipality has Legislative Authority to make bylaws, for municipal purposes, respecting (b) the safety and protection of property under Part 7 of the Municipal Government Act.

## **FINANCIAL CONSIDERATIONS**

There is no immediate fiscal impact on the Municipality for the adoption of this report.

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## Options

Based on the discussion held at the PIMs and review by Engineering and Planning, staff are recommending an alternative option for the consideration of PAC. Many development professionals attending the PIMs suggested there may be better ways of determining when a lot grading and drainage plan is required instead of using the lot area. One alternative to determining when a plan is required is to use property setbacks and not the lot area. Municipal Engineering and Planning staff agree, that a setback from a property line would be a better method of determining when a lot grading plan is required. For instance, a structure could be built in the middle of a 1.2 hectare (3-acre) property and would have minimum impact on neighbouring lands, whereas a structure could be built adjacent to a property line on a 20 hectare (50-acre) lot and the lot grading could harm the neighbouring property.

To find a balance between regulation and costs, staff have also provided additional options that PAC may want to consider.

There are five options in total for Council to consider:

1. Make no changes to Bylaw P-1200, Lot Grading and Drainage.
2. Proceed with amending Bylaw P-1200, Lot Grading and Drainage to require the submission of a lot grading and drainage plan for all lots, and condo units, up to a maximum of 1.2 hectares (3 acres), where no Municipal services are provided.
3. Proceed with amending Bylaw P-1200, Lot Grading and Drainage to require a lot grading and drainage plan for unserviced lots, and bare-land condo units, for structures located 15 m or less from a property line or condo unit line.
4. Proceed with amending Bylaw P-1200, Lot Grading and Drainage to require a lot grading and drainage plan for unserviced lots, and condo units, for land with frontage on a new Municipal road, private road, right-of-way easement, or condominium road.
5. Proceed with amending Bylaw P-1200, Lot Grading and Drainage to require a lot grading and drainage plan for lots within the Mount Uniacke Growth Management Area.

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## Conclusion

East Hants Council may contemplate a wide array of options when determining how to administer the Lot Grading and Drainage Bylaw for unserviced development. Each option presents its own benefits and drawbacks. Staff are recommending that regulations be established based on the setback of a structure from a property line, rather than creating regulations based on the lot area.

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## Attachments

Appendix A - Bylaw P-1200, Lot Grading and Drainage Bylaw

Appendix B - Public Information Meeting Notes

Appendix C - Emails from Developers