



Subject: *Lot Grading and Drainage Bylaw Review*
To: CAO for Planning Advisory Committee, February 17, 2026
Date Prepared: February 11, 2026
Related Motions: None
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Approved by: John Woodford, Director of Planning & Development

Summary

Planning and Development staff have initiated a five-year review of Bylaw P-1200, Lot Grading and Drainage. As part of the review, staff have identified several items that need to be updated. This report reviews the proposed amendments and makes a recommendation to approve the amendments.

Financial Impact Statement

There are no immediate financial impacts associated with the adoption of this report.

Recommendation

That first reading be given to Bylaw P-1200-1, Lot Grading and Drainage, a bylaw to amend Bylaw P-1200, Lot Grading and Drainage.

Recommended Motion

The Planning Advisory Committee recommends to Council that Council:

- *Give first reading to Bylaw P-1200-1, a bylaw to amend Bylaw P-1200, Lot Grading and Drainage Bylaw*

Alternative Motion

The Planning Advisory Committee recommends to Council that Council:

- *direct staff to further investigate the letter from the resident on Lorna Street, Elmsdale.*

Background

Bylaws related to the Planning and Development Department are reviewed every five years. As part of the Lot Grading and Drainage review, a variety of provisions were identified that should be amended during the Lot Grading and Drainage review process. This staff report reviews the proposed amendments.

Discussion

Planning and Development staff and Infrastructure and Operations staff have reviewed the Lot Grading and Drainage Bylaw. Below is a list of the more significant amendments that are being proposed:

- The definition and the use of the word “Applicant” has been changed to “Owner” because it is the owner of the land who is ultimately responsible for ensuring the completion of the lot grading and drainage requirements. Not the person who applies for the lot grading certificate.
- A definition of “Accessory Structure” has been added to the definition section of the Bylaw.
- A new provision is proposed to be added to Section 3.1 that would not require a lot grading and drainage plan to be completed for additions to an existing building, where the addition has a maximum gross floor area of 55 square metres. Under the current regulations, all additions to a main building require a lot grading and drainage plan; however, Building Officials were finding that they were receiving building permits for small additions on helical piles or other foundation types where there was no grade change.
- A new sentence is proposed to be added to provision 3.2, requiring the Engineer to confirm in writing that changes to lot grading will not adversely affect the lot or adjacent properties, when a lot grading plan is prepared that is not in accordance with pre-established grades or plans.

There are other minor changes outlined in the draft bylaw for Planning Advisory Committee to review.

STRATEGIC ALIGNMENT

The amendments help to build a Strong Community and Sustainable Infrastructure, as identified in the East Hants Strategic Plan.

LEGISLATIVE AUTHORITY

The legislative authority to create planning policies and regulations relating to Bylaws is set out in the Municipal Government Act (MGA), Section 172(1).

FINANCIAL CONSIDERATIONS

There are no immediate financial impacts associated with the adoption of this report.

Resident Request to Amend Bylaw P-1200

An email has been submitted to the Municipality from a resident on Lorna Drive, Elmsdale, to request that Council consider amendments to Bylaw P-1200, Lot Grading and Drainage. The resident would like to construct a garage larger than 55 m², without having to apply for a Lot Grading Permit. Under the Bylaw, all buildings over 55 m² are required to obtain a Lot Grading Permit. This requirement has been in place since 2020.

The resident suggests that the Development Officers be given the authority to decide when a Lot Grading Permit is required. However, as discussed during previous PAC meetings, Development Officers are not engineers and do not

have the qualifications necessary to determine when a Lot Grading Permit is required. An Engineer would have to make this determination based on a set of pre-identified requirements.

Staff also caution that the area in question, around Pinehill Drive, has had drainage issues and flooding in the past. Therefore, any development in the area has the potential to impact drainage.

Alternatives

As an alternative, PAC could recommend that staff prepare a staff report to further investigate the request from the resident on Lorna Street, Elmsdale.

Attachments

Appendix A - Draft Bylaw P-1200-1, Lot Grading and Drainage.