

TO: Mayor and Council

FROM: Pam Macintosh, Manager of Planning Services

SUBJECT: Amendments to the Colchester Land Use By-law

DATE: August 5, 2026

Staff propose the following amendments to the Colchester Land Use By-law in response to recent inquiries. Although several housekeeping amendments were completed recently, new planning documents and by-laws are often tested as inquiries arise and are reviewed and discussed internally by staff. These suggested amendments reflect that process.

Land Use By-law Amendment to Section 6 – General Provisions, Page 23, section 6.12 Frontage on a Street

Currently, development permits can only be issued if a lot abuts and fronts on a public street or private road. There are instances where, in the past, lots have been approved along unlisted, unmaintained abandoned public roads. This no longer occurs. Acknowledging that there are existing lots along these abandoned public roads and an expectation that they can be built on, staff are proposing the following amendments, as highlighted in yellow:

-Addition to 6.12.1:

No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected, abuts and fronts upon a street or private road or upon unlisted, unmaintained abandoned public roads.

-And addition to 6.12.2:

*Notwithstanding **Subsection 6.12.1** and anything else in the By-law, the Subdivision By-law does not permit the subdivision of lots fronting on a private road in Subdivision Area 1 or on unlisted, unmaintained abandoned public roads, and no development permit shall be issued on existing lots fronting on a private road in Subdivision Area 1 or on unlisted, unmaintained abandoned public roads, except for the following uses (subject to zone permitted uses):*

(a) Accessory Dwelling Unit

- (b) Dwellings – Up to 2 dwelling units on a lot*
- (c) Parks and Open Space*
- (d) Residential Facilities – Up to 6 bedrooms*
- (e) Walkways and Trails*

It is important to emphasize that the Colchester Subdivision By-law does not allow any new lots to be created on unlisted, unmaintained abandoned public roads.

Also, Nova Scotia Public Works does not provide services, nor will they make any improvements on these abandoned roads. Municipal waste collection may be available depending on the condition of the road; however, the Municipality will not provide plowing or seasonal maintenance on abandoned roads.

Also, an addition to Section 35 Definitions, page 169, and subsequent renumbering:

-154 Unlisted, Unmaintained Abandoned Public Roads means a former public road that the Province of Nova Scotia owns but will not grade, repair, or clear.

Recommendation

Staff recommends that the Colchester Land Use By-law be amended as presented to allow limited development on existing lots on unlisted, unmaintained abandoned public roads.

6.12 FRONTAGE ON A STREET

6.12.1 No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected, abuts and fronts upon a street or private road.

6.12.2 Notwithstanding **Subsection 6.12.1** and anything else in this Bylaw, the Subdivision Bylaw does not permit the subdivision of lots fronting on a private road in Subdivision Area 1, and no development permit shall be issued on existing lots fronting on a private road in Subdivision Area 1, except for the following uses (subject to zone permitted uses):

- (a)** Accessory Dwelling Unit
- (b)** Dwellings - Up to 2 dwelling units on a lot
- (c)** Parks and Open Space
- (d)** Residential Facilities - Up to 6 bedrooms
- (e)** Walkways and Trails

6.12.3 Notwithstanding **Subsection 6.12.1**, abattoirs, aggregate-related industries, agriculture-related industries, fishing-related uses, and forestry-related uses shall be permitted to front on a right-of-way. Any structures associated with the uses permitted under this Subsection and to be established on an approved lot created after the effective date of this Bylaw shall be temporary, portable, and incidental to such uses.

6.12.4 Notwithstanding **Subsection 6.12.1**, commercial solar panels, wind turbines, temporary wind test towers, telecommunications towers, and cemeteries shall be permitted to front on a right-of-way.

6.13 ILLUMINATION

6.13.1 Exterior lighting on any lot shall be top shielded and shall be directed away from, and not cause glare on, adjoining properties or adjacent streets.

6.14 ISLAND DEVELOPMENTS

6.14.1 Notwithstanding minimum lot frontage requirements, the Development Officer may grant a development permit for development on an island that does not contain a public street or private road, provided:

- (a)** the lot has a minimum of 6.0 metres (19.7 feet) of water frontage on the body of water that creates the island; and
- (b)** all other requirements of this Bylaw and the Subdivision Bylaw are satisfied.

6.15 LOT AREA INCLUDING FLOOD PLAINS

6.15.1 A development permit may be issued in a zone where part of the minimum lot area, frontage, or required lot line setbacks is met by land within a Flood Overlay, provided all other requirements of the two zones are met.