

5 Zoning Regulations & Farming Resource Kit for Nova Scotia Farmers

Zoning regulations and land-use bylaws are different for each municipality. However, there are a few land-use bylaws that restrict land use for agriculture. Most privately-held land, regardless of the zone, can be used for agricultural purposes. Some land is specifically zoned for agriculture and can only be used for agricultural purposes. **You should carefully check with your local municipality before purchasing land** to make sure that you will be permitted to develop the kind of farm you have planned. Some land-use restrictions that may apply to agriculture are outlined below. This is not a complete list.

Housing, Processing and Retail Activities on Zoned Agricultural Land

Housing, processing and retail activities may not be permitted on zoned agricultural land or they may be permitted subject to approval and conditions. Existing housing is always permitted when an agricultural zone is applied, but new housing may be restricted. This could have implications if a farm is being subdivided (e.g. a 100-acre farm is split into two 50-acre farms) or if new housing is being constructed to house farm workers, for example. In addition, you may or may not be permitted to build processing facilities or a retail outlet on zoned agricultural land.

Agricultural Activities on Residential Land

Restrictions on agricultural activities on zoned residential land generally depend on whether the land is located in an urban or rural area. Incorporated towns and cities may have bylaws prohibiting the keeping of farm livestock. Usually, there are no restrictions on crop production. However, urban vegetable farmers and gardeners should note that urban soils are often contaminated with heavy metals and should be tested before edible crops are grown. Some municipalities in Nova Scotia have banned the use of cosmetic pesticides. This ban would not apply to vegetables but might apply to fruit trees.

Municipal Watersheds

Many municipalities have designated watershed zones with a variety of land-use restrictions. Restrictions may apply to:

- the construction of new buildings
- the keeping of livestock
- soil tillage
- the application of agricultural pesticides and/or fertilizers

Barn Construction and Manure Management

There are a number of regulations that apply to barn siting and manure management. These regulations are designed to prevent environmental contamination, promote animal welfare, and reduce nuisance problems. A minimum area of land is required to comply with these regulations so if you plan to keep any livestock, regardless of how many, you should check these regulations to ensure that you have enough land to allow compliance.

It is also important to note that land-use bylaws often contain a “grandfather” clause, meaning that the bylaws allow certain existing operations but do not allow new operations of the same nature. For example, in the designated watershed area of the Cape Breton Regional Municipality, existing livestock barns are permitted but no new barns may be constructed. This means that simply surveying the types of buildings and activities present in an area is not a substitute for checking with the municipality.

For a directory of municipal offices in Nova Scotia, check the blue pages in your local phone book or visit the following website:

www.gov.ns.ca/snsmr/muns/contact/

[The information in this fact sheet was compiled by Rebecca Sooksom, New Entrant Resource Coordinator, Nova Scotia Department of Agriculture and reviewed by Dave Smith, Assistant Provincial Director of Planning, Service Nova Scotia and Municipal Relations, May 2010.]