



Subject: *Places of Worships and Cemeteries - MPS and LUB Bylaw Amendment*
To: Planning Advisory Committee, September 17th, 2026
Date Prepared: August 21, 2026
Related Motions: C26(182), PAC26(46), C26(218)
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Approved by: John Woodford, Director of Planning and Development

Summary

Council passed a motion at the Regular Meeting of Council on June 24th, directing staff to prepare amendments to the East Hants Official Community Plan that would enable the subdivision of properties containing places of worship/former places of worship. Council directed that these amendments should enable reduced setback, area and frontage requirements to permit the cemeteries and the buildings to be located on separate lots. The policy amendments support the adaptive reuse of former places of worship while allowing congregations and community groups to care for cemeteries. This report outlines the proposed amendments and suggests Planning Advisory Committee recommend that first reading be given and to authorize staff to schedule a public hearing.

Financial Impact Statement

There are no immediate financial impacts with the recommendations of this report. Information on the financial impact of the amendments will be provided in the final report

Recommendation

That Planning Advisory Committee recommends to Council that First Reading be given and to authorize staff to schedule a Public Hearing.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *Give First Reading to amendments to the Municipal Planning Strategy and Subdivision Bylaw to allow the subdivision of places of worship/former places of worship from cemeteries with reduced lot area, frontage, and setback requirements in all zones where there is frontage or deeded access to both lots; and*
- *Authorize staff to schedule a Public Hearing*

Background

Council's motion to amend subdivision requirements for places of worship and associated cemeteries stems from recent interest in selling properties previously used as places of worship.

C26(128) Moved that staff be directed to prepare amendments to the East Hants Official Community Plan that would enable the subdivision of properties containing churches/former churches and cemeteries. Amendments should enable reduced setback, area and frontage requirements to permit the cemeteries and church buildings to be located on separate lots.

A congregation has approached the municipality looking for insight on what can be done to subdivide their building from the associated cemetery. The municipality is aware of other congregations in a similar position. At many of these sites, headstones are located very close to the building, often only a few metres from the building. Rural congregations that have closed their doors may benefit from a policy change enabling them to sell the buildings while maintaining cemeteries.

Discussion

The congregation facing this issue is currently zoned Rural Use North (RU-2). According to the RU-2 Zone standards, a building must maintain a minimum side yard of 2m and a rear yard of 11m. Rezoning the rural places of worship to Institutional Use (IU) zone would have the same setback issue. Under current Institutional Use (IU) zone standards, a building must maintain a minimum side yard of 3m and a rear yard of 6-10m based on the level of service.

If the congregation were to subdivide under current regulation or Institutional Use (IU) zone regulations, the building would not be able to meet the standard setbacks. Without the ability to subdivide with reduced setbacks, this building might otherwise be left to deteriorate because it cannot be easily sold as a separate piece of real estate.

To address this issue, the municipality is proposing amendments to the Municipal Planning Strategy and Subdivision Bylaw that would allow the subdivision of places of worship/former places of worship from cemeteries with reduced setbacks and frontage requirements. This approach would be an as-of-right process for congregations to subdivide their assets and repurpose former places of worship. These amendments align with the municipal heritage preservation objectives and encourages adaptive reuses of former places of worship and heritage buildings.

Proposed Additional Municipal Planning Strategy Text

TH17.1 Council shall consider the subdivision of places of worship and former places of worship from cemeteries with reduced lot area, frontage, and setbacks in all zones where there is frontage or deeded access to both lots.

Proposed Additional Subdivision Bylaw Text

9.2

e) In all zones, the subdivision of places of worship and former places of worship from cemeteries with reduced lot area, frontage, and setbacks shall be permitted where there is frontage or deeded access to both lots.

STRATEGIC ALIGNMENT

The 2025-2029 East Hants Strategic Plan identifies 'Strong Community' as one of the four areas of strategic focus. The proposed amendments support the management of change and growth in the community, while reducing land use conflicts.

LEGISLATIVE AUTHORITY

The Municipal Government Act, Part VIII gives legislative authority for this application. This section outlines the process for these amendments to be considered, including the advertisements for a Public Hearing.

FINANCIAL CONSIDERATIONS

A financial impact analysis will be provided in the final staff report.

MUNICIPAL PLANNING STRATEGY POLICY ANALYSIS

Staff are currently reviewing the proposed amendments based on the applicable policies contained in the Municipal Planning Strategy (MPS). As part of the review, staff will be requesting comments from internal departments and external agencies. A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff and reviewing agencies will be attached to the final report.

AGENCY COMMENTS

Nova Scotia Public Works and the Department of Communities, Culture, Tourism and Heritage were contacted for comment on the proposed amendments. The Department of Communities, Culture, Tourism and Heritage has a Heritage Property Program that helps identify, protect and rehabilitate built heritage throughout the province. The team assists municipalities and residents in conserving our valuable heritage under the regulation of the Heritage Property Act. The department asked staff to consider whether the proposed amendments would inadvertently encourage demolition of existing registered heritage places of worship. If the place of worship is no longer tied to the cemetery and is being redeveloped, there could be a scenario where the new property owner decided to take advantage of the three-year clause in Section 18 of the Heritage Property Act in the event their substantial alteration/demolition application is not initially approved by Council. Planning Staff have considered this however, there is similar risk to substantial alteration and demolition if these amendments do not proceed, given the limited options available for congregations. The amendments could encourage the retention of heritage buildings as it would encourage the re-use of the building.

The Heritage Property Program directed staff to the Provincial Coordinator of Special Places to seek further comments. Special Places recommends archaeological assessments or oversight for any ground disturbance within 30 metres of cemeteries. These studies would be required by the Department of Communities, Culture, Tourism and Heritage if the owners of the subdivided place of worship were to apply for a building and development or demolition permit. It is not the municipality's responsibility to enforce the Cemeteries and Monuments Protection Act. At the time of subdivision, the municipality's development officer would flag the subdivided lot as being within 30 metres of a cemetery. If future development were to occur on that property development staff would be aware of the cemetery and request the applicant to contact the Department of Communities, Culture, Tourism and Heritage for approval.

Nova Scotia Public Works indicated that future lots created by subdivision will need to be assessed on an individual basis to ensure safe access and proper access management. They suggest this may result in the need for shared access points where separate driveways is not obtainable. The proposed amendments require deeded access, which may be obtained through private or shared driveways (right-of-way easement).

Citizen Engagement

Planning staff will comply with the Citizen Engagement Policies of the Municipal Planning Strategy when processing the amendments. An advertisement outlining the proposal and indicating that it is under review by staff will be placed in an upcoming edition of the *Chronicle Herald*.

As part of the review process for MPS amendments, a Public Information Meeting (PIM) is required to hear input from the community. A notice of the PIM was placed in the August 25th, 2026 edition of the Chronicle Herald. The PIM took place on September 8th, 2026. 7 residents and 6 Councillors attended the meeting. One question was asked at the meeting wondering who maintains the cemeteries when they're located on their own lot. Staff explained that there is still private ownership of the property, and they would be responsible for the maintenance.

Conclusion

Staff will continue to review the amendments to the Municipal Planning Strategy and Subdivision Bylaw for the subdivision of places of worship and associated cemeteries. The proposed amendments will be evaluated using all applicable policies in the Municipal Planning Strategy. Staff will make a recommendation to PAC in their final staff report.

Council’s decision on this application is not appealable to the Nova Scotia Utility and Review Board as it involves an amendment to the Municipal Planning Strategy.

