

To: **Antigonish Planning Advisory Committee
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **28 February 2022**

Reference: **Concurrent Text Amendments to the Antigonish Fringe Municipal Planning Strategy and Land Use By-law to allow for Small-scale Solar Collector Systems as accessory uses within the plan area.**

Recommendation:

That the Planning Advisory Committee recommends to Council to approve the concurrent text amendment to the Antigonish Fringe Municipal Planning Strategy and Land Use By-law to allow small-scale solar collector systems to be permitted as accessory uses within the plan area, and that Council give First Reading and schedule a Public Hearing.

Information:

Planning Commission staff received an application from the Antigonish Affordable Housing Society (AAHS) in October of 2021 to amend the Antigonish Fringe Municipal Planning Strategy and Land Use by-law to allow the AAHS to place ground mounted solar panels at their Applesseed Drive location. The AAHS wants to place five fixed mounts with six panels each. The installation is estimated to generate 37,000 kilowatts of power each year. In addition, the AAHS is exploring the possible acquisition of an adjacent property to potentially develop enough fixed mount solar units to bring their development to net zero. (See Site Plan, below.)

The AAHS successfully negotiated a development agreement with the Municipality of the County of Antigonish for their Applesseed Drive affordable housing development, which was signed and registered in December of 2020. However, this agreement made no provisions for developing ground mounted solar collectors on the property.



Further, the Land Use By-law does allow for ground mounted solar collectors as a main use on a property in the R-1 Zone. The exception to this is for a utility. The only mention of “solar power” in the Municipal Planning Strategy is in the preamble before Policy CS-1.7, which states:

Alternative sources of energy and heating are encouraged by Council. Energy sources such as wind and solar power are growing in Antigonish County...

Policy CS-1.7 It shall be the policy of Council to permit public and private utilities in all zones within the plan area, and to require a development permit to be issued for each use.

“Solar power” is not mentioned at all in the Land Use By-law. Staff have interpreted this to mean that a public or private utility could establish a solar collector system as “Utilities” are permitted in all zones; however, an individual could not establish a “solar collector system” since such a system is not specifically mentioned as a permitted use. The Land Use by-law states the following with respect to “Permitted Uses”.

Permitted Uses

4.5. For the purposes of this By-law, if a use is not listed as a permitted use in any zone, it shall be deemed to be a prohibited use in that zone.

Staff have made a distinction between a solar collection system mounted to the roof of a building as part of the building and a free-standing ground mounted system. This was the case in the AAHS Appleseed Drive development where roof mounted solar would be permitted but ground mounted solar needed to either have been identified in the development agreement or permitted in the zone, notwithstanding the development agreement.

The purpose of the proposed amendments is to allow for ground mounted small scale solar collection systems to be permitted as of right as an accessory use within any of the zones within the plan area.

Conclusion:

While the Antigonish Fringe Municipal Planning Strategy acknowledges the importance of alternative sources of energy and heating and encourages their use, this direction of Council is neither supported by Policy nor implemented in the Land Use By-law. The proposed amendments will remedy this by adding a specific policy related to small-scale solar collection systems and implementing land use by-law provisions. Therefore, Staff recommend amending the Antigonish Fringe Municipal Planning Strategy and Land Use By-law to allow for small-scale ground mounted solar collector systems as an accessory use within any of the zones via a housekeeping amendment.

Proposed motions:

Proposed motion for PAC:

That the Planning Advisory Committee recommends to Council to:

- 1) approve the policy amendment to the Antigonish Fringe Municipal Planning Strategy to allow for small scale ground mounted solar collector systems as a permitted accessory use in all zones, and
- 2) approve concurrent amendments to the Antigonish Fringe Land Use By-law to add regulations and definitions for Solar Collector Systems, and
- 3) that Council give First Reading and schedule a Public Hearing.

Based upon the recommended motion for PAC, the proposed motion for Antigonish County Council at First Reading would be:

That Council gives First Reading and schedule a Public Hearing for

- 1) a policy amendment to the Antigonish Fringe Municipal Planning Strategy to allow for small scale ground mounted solar collector systems as a permitted accessory use in all zones, and
- 2) concurrent amendments to the Antigonish Fringe Land Use By-law to add regulations and definitions for Solar Collector Systems.

A BY-LAW TO AMEND THE ANTIGONISH FRINGE MUNICIPAL PLANNING STRATEGY
FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH

The Antigonish Municipal Planning Strategy for the Municipality of the County of Antigonish is hereby amended by:

- 1) In Chapter 4: Municipal Services, adding, immediately following Polic CS-1.7 the following text:

4.4.1 Renewable Energy Initiative

The Antigonish County Integrated Community Sustainability Plan has as one of its objectives to “Position the community to be more economically-viable and environmentally-sustainable by lowering dependence on fossil-fuel based energy.” One of the specific actions identified to meet this objective is to “Provide opportunities for wind, solar and other alternative energy sources to develop in Antigonish via appropriate by-laws and policies.”

While solar collector systems integrated into new buildings are becoming more common, constructing these systems as a stand-alone ground mounted system can provide a number of advantages, including: allowing for more flexibility for optimal orientation towards the sun, ease of access for maintenance, and eliminating the need to provide additional structural support for mounting on an existing building.

Policy CS-1.7.1 It shall be the policy of Council to permit small-scale ground mounted solar collector systems as systems capable of supplementing or fulfilling the energy needs of a development but which will very rarely net a positive energy contribution to the grid when averaged over a year and to allow these systems as an accessory use in all zones.

This is to certify that the by-law, of which this is a true copy, was duly passed at a duly called meeting of Municipal Council of the Municipality of the County of Antigonish held on the ____ day of _____ 2022 Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this _____ day of _____ 2022.

Mr. Glenn Horne, Chief Administrative Officer

Appendix B

A BY-LAW TO AMEND THE ANTIGONISH FRINGE LAND USE BY-LAW
FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH

The Antigonish Fringe Land Use By-law for the County of Antigonish is hereby amended by:

- 1) In Part 6 General Provisions for All Zones, A. General Provisions, adding, immediately following Subsection 6.A.29. adding the following text:

Solar Collector Systems – Small Scale

6.A.29.1 Small-scale Solar Collector Systems shall:

- a. be permitted as a stand-alone ground mounted system;
 - b. be permitted as an accessory use in all zones subject to setback requirements for accessory buildings and shall require a development permit;
 - c. be permitted on lots that do not contain a main building;
 - d. not be permitted in the required front setback in the Rural Residential (RR-1), Residential (R-1), and Multiple-unit Residential (R-2) Zones; and
 - e. not exceed 6.1 metres in height.
- 2) In Part 25 Definitions, immediately following the definition for “SIGN” adding the following:

SOLAR COLLECTOR SYSTEM means a structure or array of structures on one lot whose main purpose is to collect solar radiation and convert it to useable forms of energy and includes a small-scale collector system, large-scale collector system, and on-building solar collector system. Without restricting the generality of this definition, the components of a solar collector system may include solar collectors, structural supports, ancillary electrical equipment, and an energy storage system.

On-building Solar Collector System means a solar collector system mounted on, attached to, or integrated with a building where the building’s main purpose is something other than the collection and conversion of solar radiation.

Small-scale Solar Collector System means a ground-mounted solar collector system intended to generate electricity at a rate consistent with the usage of the property or properties on which it is located with limited excess energy generated.

Large-scale Solar Collection System means a solar collection system run by a public or private utility.

This is to certify that the by-law, of which this is a true copy, was duly passed at a duly called meeting of Municipal Council of the Municipality of the County of Antigonish held on the ____ day of _____ 2022 Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this _____ day of _____ 2022.

Mr. Glenn Horne, Chief Administrative Officer