

P.O. Box 1749 Halifax, Nova Scotia B3J 3A5 Canada

Item No. 14.1.2 Harbour East-Marine Drive Community Council June 5, 2025

SUBJECT:	PLANAPP 2024-01794: Amendment to the Eastern Shore (West) Land Use By-law to permit utility and communication buildings or structures on lots a minimum of ten (10) acres in the R-6 (Rural Residential) zone.
DATE:	May 22, 2025
FROM:	Jacqueline Hamilton, Executive Director of Planning and Development
то:	Chair and Members of Harbour East-Marine Drive Community Council

<u>ORIGIN</u>

Application by TriMac Engineering.

EXECUTIVE SUMMARY

This report recommends amending the Eastern Shore (West) Land Use By-law to permit "utility and communication buildings or structures on lots with a minimum area of ten (10) acres" as a permitted use within the Rural Residential (R-6) Zone. The amendment request relates to a wish to develop a community solar garden on the property between 324 and 378 West Petpeswick Road, PID 40769598, which is split zoned, with portions of the property zoned Mixed Use (MU) and Rural Residential (R-6). The R-6 portion of the lot fronts on West Petpeswick Road and the rear of the lot abutting Highway 107 is zoned MU. Utility and communication buildings, structures and uses are a permitted use within the Mixed Use zone, however, the zoning of the access must also permit the use. As the access is zoned R-6, and the solar garden is not currently permitted in the R-6 zone, the Development Officer is not able to issue a permit for the Community Solar Garden within the MU zoned portion of the property. The proposed amendment is compatible with the policy direction of the Mixed Use Designation. Staff therefore recommend that Harbour East-Marine Drive Community Council approve the proposed amendment to include this use within the R-6 Zone.

RECOMMENDATION

It is recommended that the Harbour East-Marine Drive Community Council:

 Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Eastern Shore (West), as set out in Attachment A, to add "utility and communication buildings or structures on lots which are a minimum of ten (10) acres" in the Rural Residential (R-6) zone and schedule a public hearing; and

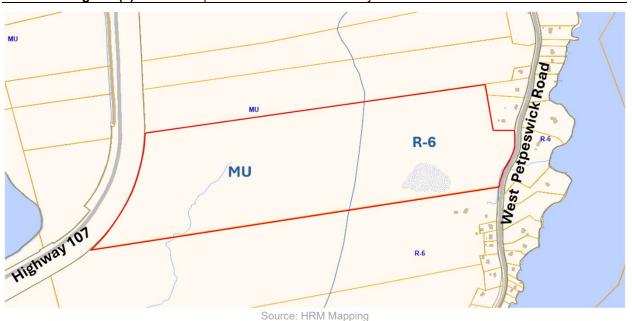
(RECOMMENDATION CONTINUED ON FOLLOWING PAGE)

2. Adopt the amendment to the text of the Land Use By-law for Eastern Shore (West), as set out in Attachment A.

BACKGROUND

TriMac Engineering has applied to amend the Rural Residential (R-6) zone of the Eastern Shore (West) Land Use By-law (LUB) to add "utility and communication buildings or structures on lots which are a minimum of ten (10) acres in size" as a permitted use. This will allow the development of a Community Solar Garden at PID 40769598.

Subject Site	PID 40769598 (between 324 and 378 West Petpeswick Road)		
Location	Located along West Petpeswick Road, south of civic 324,		
	Musquodoboit Harbour		
Regional Plan Designation	Rural Commuter (RC)		
Community Plan Designation	Mixed Use (MU) under the Eastern Shore (West) Municipal Planning		
(Map 1)	Strategy		
Zoning (Map 2)	Rural Residential (R-6) along the portion of the lands fronting on West		
	Petpeswick Road and Mixed Use (MU) at the rear of the site fronting		
	Highway 107 under the Eastern Shore (West) Land Use By-law		
Size of Site	Approximately 58 hectares (144 acres)		
Street Frontage	Approximately 200 metres (656 feet)		
Current Land Use(s) Vacant			
Surrounding Use(s)	Vacant lots and low density residential		



Proposal Details

The applicant proposes to establish a Community Solar Garden on lands at PID 40769598 along the West Petpeswick Road. The Department of Natural Resources and Renewables has a program to assist with the development of Community Solar Gardens on large areas of land. A 1-megawatt community solar garden requires approximately 4-6 acres of land.

The major aspects of this proposal are as follows:

 The Community Solar Garden is proposed to be located at the rear of the property, within the MU zoned portion approximately 652 metres from the West Petpeswick Road (refer to Attachment B: Proposed Site Plan);

- Access will be provided via a private driveway from the West Petpeswick Road over the portion of the lands which are zoned R-6; and
- The proposed Community Solar Garden would create 100MW of solar energy, which will be provided to Nova Scotia Power customers for a targeted discount of 2 cents per kilowatt hour, if approved.

Attachment B has been provided for information purposes only. If the proposed land use by-law amendment is approved it is possible that the site plan could change at the permitting stage, provided the requirements of the land use by-law are met.

Enabling Policy and LUB Context

The subject site is designated Mixed Use (MU) and split zoned MU (Mixed Use) and R-6 (Rural Residential) within the Eastern Shore (West) Municipal Planning Strategy (MPS) and Land Use By-law (LUB), respectively. The Mixed Use designation is intended to recognize the existing rural character of the area while supporting a mixed land use pattern. The Mixed Use zone permits a range of uses including residential, commercial, resource and traditional uses, and community uses, which would include "utility and communication buildings or structures uses". Currently, permitted uses within the R-6 zone include residential, limited commercial, and resource and traditional uses, but not "utility and communication buildings or structures". While the subject site falls within the Mixed Use designation, "utility and communication buildings or structures" have been limited to the Mixed Use zone only.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the Eastern Shore (West) MPS and LUB. Attachment A contains the proposed Land Use By-law text amendment that would permit "utility and communication buildings or structures on lots which are a minimum of ten (10) acres" as a permitted use within the R-6 zone.

LUB Amendment Review

Attachment C provides an evaluation of the proposed Land Use By-law text amendment in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

The Mixed-Use Designation

Within the MU designation, the intent is to permit a range of residential, commercial, resource and traditional uses. As mentioned, the subject site is split zoned with the portion of the site zoned R-6 abutting West Petpeswick Road. Access to the Mixed Use zoned portion of the site will be required to be provided through the portion zoned R-6. As noted, "utility and communication buildings or structures" are a permitted use within the Mixed Use zone, however, the zoning of access must also permit the proposed main use. As such, the Development Officer would not be able to issue a permit for the Community Solar Garden in the MU zone with access proposed through the R-6 zone, when the use is not currently permitted in the R-6 zone. Therefore, a land use by-law text amendment is required to permit "utility and communication buildings or structures" in the R-6 zone before a permit can be issued. The addition of this use to the R-6 zone and its minimum lot area is intended to protect the smaller R-6 lots from large-scale non-residential uses being developed.

Policy MU-2 would allow for the consideration of a rezoning request on the subject site. However, rather than rezone the portion of the subject site that is currently zoned R-6 to MU, a land use by-law text amendment is proposed to add "utility and communication buildings or structures on lots which are a minimum of ten (10) acres" to the R-6 zone. The text amendment applies appropriate control and maintains the rural character of the R-6 zone along West Petpeswick Road.

Lands designated or zoned "Mixed Use" are spread across various locations in the Easten Shore (West) Plan Area. These areas are generally relegated to the rear of larger PIDs abutting West Petpeswick Road. This amendment, while supporting the overall intent of the MPS, would allow similar style development on

lots within this plan area. Amending the R-6 zone to permit "utility and communication buildings or structures on lots which are a minimum of ten (10) acres" is in line with the intent of the Mixed Use designation for the plan area.

Priorities Plans

In accordance with Policy G-14A of the Halifax Regional Plan, staff considered the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027 in making this recommendation to Council.

The HalifAct Plan speaks to specific actions that would encourage community solar projects and partnerships between provincial, municipal and private companies. The following policies were identified to be most relevant to this application, and as such were used to inform the recommendation within this report:

- 1) HalifACT 4.3.1 Business Opportunity The transition to a low carbon world involves investments across the economy in building retrofits, renewable energy, energy storage, transit systems and active transportation infrastructure. These Investment which are incremental to business-as-usual investments, total \$22 billion over 30 years and will stimulate economic activity for existing and new businesses. To put this in perspective, this investment is an annual stimulus equivalent to 4% of Halifax's annual GDP of approximately \$17 billion.
- 2) HalifACT 5.2.2 Renewable Energy Actively support, advocate and partner with Nova Scotia Power, the Province, and others to decarbonize the provincial electricity grid.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. While "utility and communication buildings or structures on lots which are a minimum of ten (10) acres" were not originally contemplated for the R-6 zone of the Eastern Shore (West) LUB, the intention of the Mixed Use designation is to recognize the existing rural character of the area while supporting a mixed land use pattern. Therefore, staff recommend that the Harbour East-Marine Drive Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2025-2026 operating budget for Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Harbour East-Marine Drive Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Regulatory and Appeals Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and letters mailed to property owners within the notification area.

A total of 43 letters were mailed to property owners and tenants within the notification area (Map 2). The HRM website received a total of 41 unique pageviews over the course of the application, with an average time on page of 54 seconds.

The public comments received included the following topics:

- Support for green energy and the need for more of it;
- Support for the solar farm use as a cleaner alternative to burning coal;
- Concerns regarding the environment and wildlife related to the cutting of trees and how wildlife might be affected by the installation of the solar garden;
- Concern regarding a potential increase in traffic due to the construction and maintenance of the solar farm;
- Concerns on having an industrial use located in proximity to an existing residential neighbourhood;
- Concerns that rural Nova Scotia is being taken advantage of for low-cost land, with little consideration for the local community; and
- Concerns regarding proximity to the Petpeswick Lake Water Aerodrome.

A public hearing must be held by Harbour East-Marine Drive Community Council before they can consider approval of the proposed LUB amendment. Should Harbour East-Marine Drive Community Council decide to proceed with a public hearing on this application, in addition to the advertisement on the HRM webpage, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail or courier service, in the event of disruption to regular mail service. The HRM website will also be updated to indicate notice of the public hearing.

ENVIRONMENTAL IMPLICATIONS

In 2020 Halifax Regional Council adopted the HalifACT Plan. The intent of the HalifACT Plan is to achieve a net-zero economy by 2050. Section 5.2.2 "Renewable Energy" supports large scale solar projects as their intent is to increase the supply of local renewable energy, while also stimulating the local economy and building on local business expertise.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

ALTERNATIVES

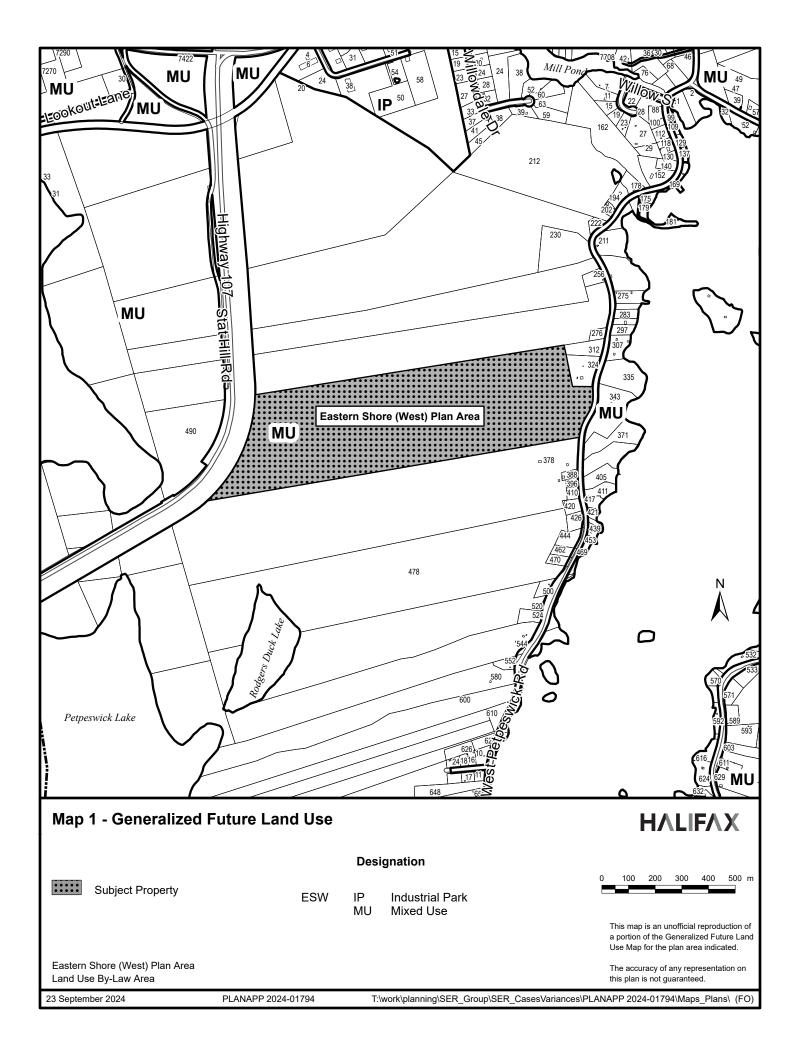
1. Harbour East-Marine Drive Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Regulatory and Appeals Board as per Section 262 of the *HRM Charter*.

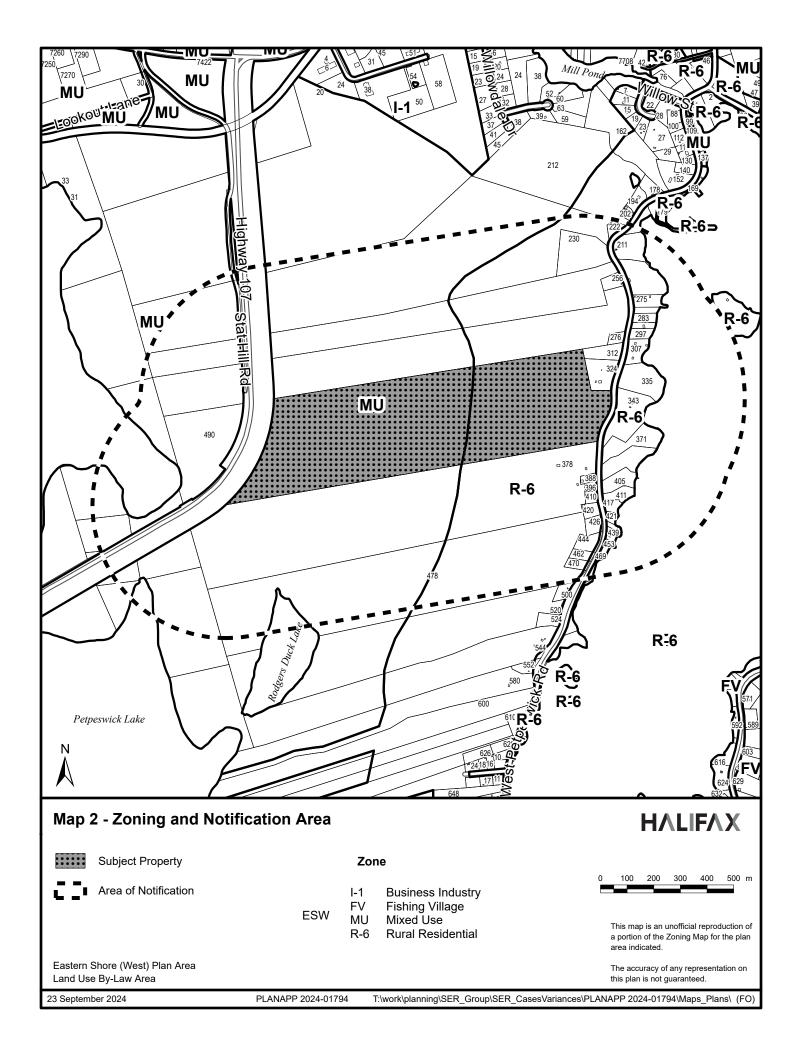
2. Harbour East-Marine Drive Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Regulatory and Appeals Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Amendment to the Land Use By-law for the Eastern Shore (West)
Attachment B:	Proposed Site Plan
Attachment C:	Review of Relevant MPS Policies

Report Prepared by: Craig Wournell, Planner II, Development Services, 902.221.0113





ATTACHMENT A

Proposed Amendment to the Land Use By-law for the Eastern Shore (West)

BE IT ENACTED by the Harbour East Marine Drive Community Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Shore (West) is hereby further amended as follows:

1. Amending PART 7: R-6 (RURAL RESIDENTIAL) ZONE, as shown in **bold**, by adding the text "Utility and communication buildings or structures on lots which are a minimum of ten (10) acres" after the words "Short-term Bedroom Rentals accessory to a residential use with up to 5 bedrooms (RC-Feb 21/23;E-Sep 1/23)":

7.1 R-6 USES PERMITTED

No development permit shall be issued in any R-6 (Rural Residential) Zone except for the following:

Residential Uses

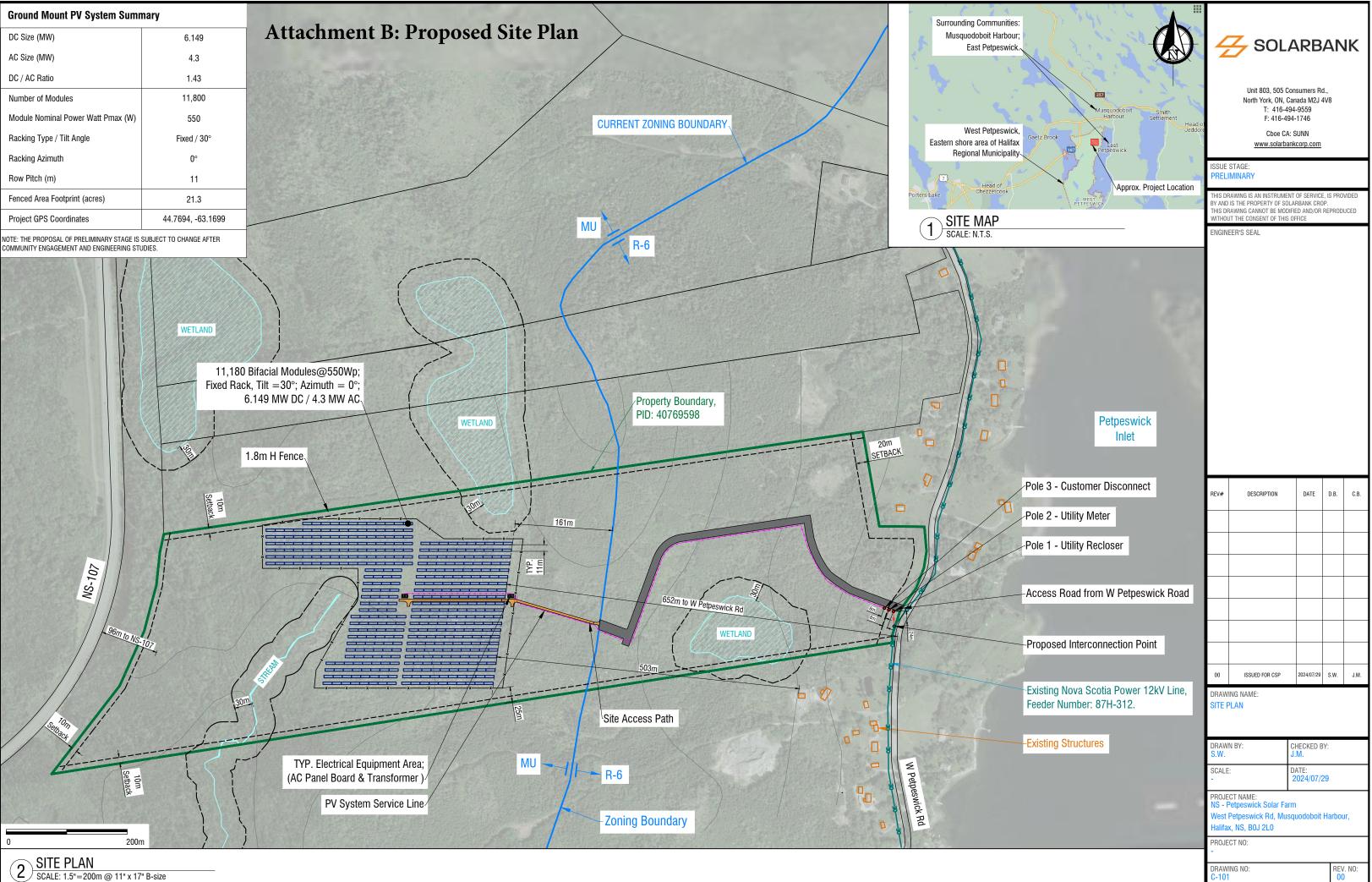
Single unit dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit
RC-Aug 9/22;E-Sep 15/22)
Home business uses in conjunction with permitted dwellings
Boat sheds

Commercial Uses

Personal service shops Craft shops Antique shops Art studios Bakeries Wilderness and recreation outfitters Existing uses, including existing kennels Short-term Bedroom Rentals accessory to a residential use with up to 5 bedrooms (RC-Feb 21/23;E-Sep 1/23) Utility and communication buildings or structures on lots which are a minimum of ten (10) acres

> I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Harbour East Marine Drive Community Council held on [DATE], 2025.

lain MacLean Municipal Clerk



Attachment C– Review of Relevant MPS Policies

Eastern Shore (West) Municipal Planning Strategy MIXED USE DESIGNATION		
Policy	Staff Comments	
The Mixed Use Designation recognizes the rural character and traditional land use pattern of the Plan Area. The designation has been applied to existing settlement areas along the transportation routes and to much of the backland and coastal areas surrounding existing communities. Support is given to continued rural mixed development.		
Policy MU-1 It shall be the intention of Council to establish the Mixed-Use Designation as shown on Map 1. This designation shall recognize the existing rural character of the area and support the continuation of a mixed land use pattern.	The proposed amendment to the land use by law aligns with the established policy direction of the "Mixed Use" (MU) designation.	
Policy MU-2 Within the Mixed Use Designation, it shall be the intention of Council to establish a MU (Mixed Use) Zone which permits a wide range of residential uses, commercial uses, resource and traditional uses, and community facilities. All existing uses shall also be supported. The MU Zone shall regulate the size of commercial buildings and the scale of buildings and structures associated with resource uses. In addition, the zone shall include performance standards to address matters of outdoor storage and display, parking, and shall provide appropriate separation distances from residential uses, potable water supplies and watercourses for specific uses.	Policy MU-2 establishes the Mixed Use (MU zone where the intention is to permit a range a uses including residential, commercial, and resources. Currently, the MU zone permits the development of a community solar garden as a "utility and communication buildings of structure". This policy would allow for the consideration of a rezoning request on the subject site. However, rather than rezone the portion of the subject site that is currently zoned R-6 to MU, a land use by-law tex amendment is proposed to add the new use to the R-6 zone, which is a less intensive optior and maintains the rural character and R-6 zoning along West Petpeswick Road Additionally, this use would be limited to parcels that are 10 acres or larger, which serves to protect the surrounding smaller R-6 zoned lots from more intensive development This approach ensures the preservation of the rural character of the area while continuing to allow for a rural mixed use development pattern under the MU designation.	

While the primary objective of the Mixed Use Designation is to support a mix of land uses and the rural character of the area, it is recognized that there are areas where more residential development is taking place. In areas where there is a move towards a more residential environment, appropriate levels of protection will be provided so as to maintain greater uniformity within these residential areas and prevent an intrusion of non-residential uses.

Policy MU-5 Notwithstanding Policy MU-2, it shall be the intention of Council to support the development of certain areas to a more residential environment through the application of an R-6 (Rural Residential) Zone. In considering amendments to the land use by-law, Council shall have regard to the following: (a) the land to be rezoned contains a minimum of ten (10) contiguous acres or ten (10) lots; (b) the effect of the proposed amendment on overall community form; (c) the effect upon the future use of any lands which may be accessed through the area to be rezoned; (d) that the existing use of surrounding lands is compatible with such a residential environment; and	Where the subject site is greater than 10 acres and the portion adjacent to West Petpeswick Road already contains the R-6 zone, the proposed land use by-law text amendment does not affect the overall community form. The R-6 zoned portion of the subject site is proposed to only be affected by this amendment to access the community solar garden use at the rear of the lot where the MU zone exists. Please note that this application will not approve the site layout provided by the applicant. The site layout is subject to change at the permitting stage provided the requirements of the land use by-law are met.	
(e) the provisions of Policy IM-10. IMPLEMENTATION		
Policy IM-6 Providing that the intentions of all other policies are satisfied, Council may, for the purpose of providing for the development of similar uses on properties which abut one another, consider amendments to the land use by-law within a designation to provide for the development of uses which are uses permitted by the zone or development agreement on the abutting property within the abutting designation, as shown on the Generalized Future Land Use Map (Map 1).	Policy IM-6, known as the abutting designations policy, allows Council to consider a land use by-law amendment to permit similar uses on abutting lots under the same designation. PID: 40769598 is split zoned under the same designation. Adding the proposed use to the R-6 zone, would allow the community solar garden to be located within the portion of the lot zoned MU with the access over the portion of the lot zoned R-6.	
Policy IM-10 In considering development agreements and amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Strategy, Council shall have appropriate regard to the following matters:		
(a) that the proposal is in conformity with the intent of this Strategy and with the requirements of all other municipal by-laws and regulations.	This proposal is in conformity with the general intent of this Strategy. Adding the proposed use to the R-6 zone does not go agenised the overall intent of the policies in the Eastern Shore (West) MPS.	

 (b) that the proposal is not premature or inappropriate by reason of: (i) the financial capability of the Municipality to absorb any costs relating to the development; (ii) the adequacy of central or on-site sewerage and water services; (iii) the adequacy or proximity of school, recreation or other community facilities; (iv) the adequacy of road networks leading or adjacent to or within the development; and (v) the potential for damage to or for destruction of designated historic buildings and sites. 	 (i) No costs to the Municipality are expected. The developer would be responsible for all costs associated with the development. (ii) Development on the subject property would be required to be serviced with an on-site septic system and water system. However, no servicing is anticipated for the proposed development. (iii) The proposed use is for a community solar garden development. No impact to schools, recreation facilities, or community facilities are anticipated. (iv) It is anticipated that after the initial construction there will be only one vehicle on site twice a year for general maintenance. (v) No designated historic buildings or sites
(c) That controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	 have been identified. (i) The proposed land use by-law amendment is intended to permit utility and communication building or structures on lots which are a minimum of ten (10) acres that are zoned R-6.
 (i) type of use; (ii) height, bulk and lot coverage of any proposed building; (iii) traffic generation, access to and egress from the site, and parking; (iv) open storage; and (v) signs. 	A community solar garden is permitted on the portion of the subject site that is zoned MU. This proposal is intended to permit the use on the portion of the subject site zoned R-6 for access purposes. Where a minimum lot area of 10 acres is proposed for the use on lands zoned R-6, it is anticipated that this use will not interfere with any nearby properties.
	(ii) There are no substantial buildings proposed at this time as part of this application. Please note that this application will not approve the site layout provided by the applicant. The site layout is subject to change at the permitting stage provided the requirements of the land use by-law are met.
	(iii) Minimal traffic is anticipated for the proposed development or to impact the surrounding area. It is anticipated that the only vehicle trips required to maintain the property will be generated twice a year.

	(iv) No open storage proposed as part of this application. This will be further reviewed at the permitting stage against the regulations of the land use by-law.
	(v) No signage proposed as part of this application. This will be further reviewed at the permitting stage against the regulations of the land use by-law.
(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and	Two watercourses are present on the subject property and have been accounted for by providing a 30-meter buffer between the watercourse and any proposed solar array. This will be further reviewed at the permitting stage.
(e) any other relevant matter of planning concern.	e) No other relevant matter of planning concern has been identified.
(f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)	f) N/A – The subject property is not located within a holding zone.
Halifax Regional Municipal Planning Strategy (Regional Plan)	

CHAPTER 9:

9.6 PRIORITIES PLANS

Since the adoption of this Plan in 2014, Regional Council has approved several priority plans including the Integrated Mobility Plan, Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027. The second review of this Plan began in 2020 and is expected to be readopted by Regional Council in 2023. The review will revise the policies of this Plan to ensure they are consistent with the priorities plans as approved. In the interim, this Plan supports the priorities plans which are actively used by staff to guide ongoing work.

or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to	HalifACT and the Halifax Green Network Plan have been considered as shown below. The objectives, policies, and actions of the other Priorities Plans outlined in G-14A does not appear to impact or be affected by this proposal.
 (a) The Integrated Mobility Plan; (b) Halifax Green Network Plan; (c) HalifACT; (d) Halifax's Inclusive Economic Strategy 2022-2027; and (e) any other priority plan approved by Regional Council while this policy is in effect. 	
HALIFA	CT 2050
4.3.1 Business Opportunity The transition to a low carbon world involves investments across the economy in building retrofits, renewable energy, energy storage, transit systems and active transportation infrastructure. These investments, which are incremental to business as usual investments, total \$22 billion over 30 years and will stimulate economic activity for existing and new businesses. To put this in perspective, this investment is an annual stimulus equivalent to 4% of Halifax's annual GDP of approximately \$17 billion.15 Much of the investment, for example in building retrofits, would be directed to local businesses and suppliers.	This solar garden will produce 5.3MW of AC power. An estimated 11,800 solar panels will be required. This contribution to the supply chain and the renewable energy economy supports local companies and contributes to the economic growth of the community.
 5.2.2 Renewable Energy 5 - Develop partnerships for large-scale solar and wind generation. 6 - Develop a district energy initiative to decarbonize and expand district energy. 7 - Actively support, advocate and partner with Nova Scotia Power, the Province, and others to decarbonize the provincial electricity grid. 	Actions 5, 6, and 7 speak to the development of large-scale solar projects and partnerships between Nova Scotia Power, Nova Scotia and HRM. This section also speaks to decarbonizing the energy grid and contributes to the idea of community scale solar. This amendment actively supports this goal from HalifACT. There was also support given to this project by a letter from HRM Council and signed by former Mayor Savage.