

# *Annapolis County*

## *Land Use By-law*



*Effective Date: December 1, 2011*

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**Schedules "A", "B", "C", "D", "E" and "F": Zoning Maps**

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**PART 1: TITLE, INTRODUCTION AND PURPOSE**

1. This By-law shall be known and may be cited as the "Annapolis County Land-Use By-law" for the Municipality of the County of Annapolis and shall apply to all the lands within the Municipality of the County of Annapolis, hereinafter referred to as the Planning Area, as defined by the Zoning Maps, Schedules "A", "B", "C", "D", "E" and "F".
  2. The purpose of this Land Use By-law is to carry out and implement the land use development policies contained within the Annapolis County Municipal Planning Strategy in accordance with the Municipal Government Act. The MGA also enables the Municipality of the County of Annapolis to adopt a Subdivision By-law to control the division of land. These three documents provide the framework for planning and development in the Planning Area.
  3. The regulations and standards contained within this By-law that apply to the development and use of property are as follows:
    - Zoning Maps (Schedules "A", "B", "C", "D", "E" and "F") to determine which zone the property is located;
    - the requirements respecting the particular zone in which the property is located (Parts 6, 7 & 8);
    - the general provisions section which applies to all zones (Part 5);
    - the definitions section to determine how specific developments or lot conditions are defined or applied to a development (Part 2); and
    - the administration and interpretation section to define permit requirements (Part 3);
  4. Throughout this Land Use By-law there are a number of "Notes to Readers"; these are for information and clarification purposes only, and do not form part of this By-law.
  5. Property boundaries as shown on the Zoning Maps (Schedules "A", "B", "C", "D", "E" and "F") are continuously subject to change due to approvals of applications for subdivision of land and thus are included for information and clarification purposes only, and do not form part of this By-law.
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**PART 2: DEFINITIONS**

For the purposes of this By-law, all words shall carry their customary meaning except for those so defined in this Part.

1. **ACCESSORY BUILDING** means a separate subordinate building or structure on the same lot as the main building, devoted exclusively to an accessory use;
  2. **ACCESSORY USE** means a use subordinate and naturally, customarily and normally incidental to, and exclusively devoted to, a main use of land or a main building and located on the same lot;
  3. **ADJACENT PROPERTY** means a lot or parcel of land that shares a common lot line or property boundary with another lot or parcel of land;
  4. **ALTER** means any change in the structural component of a building or structure, or a change in the use of land, a building or a structure;
  5. **ARRAY** means two or more wind turbines that are physically interconnected;
  6. **BUFFERING / BUFFER STRIP** means a treed or landscaped area intended to separate and screen the view of abutting uses/properties from each other;
  7. **BUILDING** means any structure having a roof supported by columns or walls, built, constructed, placed or located on a lot and used for the accommodation or enclosure of persons, animals, materials, chattels or equipment, but not including a tent, gazebo, pergola, or a recreational vehicle;
  8. **BY-LAW** means this By-law, which is the Land Use By-law for the Annapolis County Planning Area of the Municipality of Annapolis County;
  9. **CAMP** means a structure having a roof supported by columns or walls, built, constructed, placed or located on a lot and used for human habitation, typically intended for temporary or seasonal, that is rustic in nature and lacks an on-site sewage disposal system, a piped-in water supply and grey water disposal system;
  10. **DECOMMISSION** means the final closing down of a development or project or the point at which it has reached the end of its operational life, and the process by which the site is restored to an agreed use or condition;
  11. **DEVELOPMENT** includes any erection, construction, reconstruction, enlargement, addition, alteration, location, placement, conversion, replacement or relocation of, or alteration in the use made of land, buildings or structures;
  12. **DEVELOPMENT OFFICER** is the person appointed to administer this By-law;
  13. **EXISTING** means legally existing as of the effective date of this By-law.
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14. ERECT means to build, place, locate, construct, reconstruct or alter and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or structurally altering any existing building or structure by an addition, deletion, enlargement or extension;
  15. GROUND FLOOR AREA means the maximum area contained within the outside walls of the ground floor or first floor, above the finished grade, of a building or structure;
  16. HABITABLE BUILDING means structure having a roof supported by columns or walls, built, constructed, placed or located on a lot, designed and used for the accommodation, enclosure or assembly of human beings, regardless of whether the structure is intended for seasonal or permanent use, or whether or not the structure is used for overnight accommodation, including residential, commercial, institutional, industrial and recreational buildings, but not including a camp, a tent or a recreational vehicle and also not including accessory buildings or structures such as sheds and storage areas;
  17. KILOWATT (kW) means a measure of power for electrical current;
  18. LARGE SCALE WIND TURBINE means a wind turbine which has a power generation capacity of greater than 100 kilowatts and also refers to a wind turbine which has a nameplate capacity of greater than 100 kilowatts;
  19. LOT means a parcel of land described in a deed or shown on an approved, registered plan of subdivision;
  20. MAIN BUILDING means a building in which is conducted or carried on the principal use or purpose of the lot on which it is located;
  21. MINI SCALE WIND TURBINE means a wind turbine which has a power generation capacity of less than 25 kilowatts, but not less than 1 kilowatt and also refers to a wind turbine which has a nameplate capacity of less than 25 kilowatts, but not less than 1 kilowatt;
  22. MUNICIPALITY means the **Municipality of the County of Annapolis**;
  23. PERSON includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee or agent and the heirs, executors or other legal assigns, wards and representatives to whom the context applies according to law;
  24. PUBLIC ROAD means any street or road owned and maintained by either the Municipality or the Province of Nova Scotia;
  25. RECREATIONAL VEHICLE means a vehicular, portable unit designed for travel, camping or recreational use, including a Class A, Class B and Class C motor home, a travel trailer, a fifth wheel recreational vehicle, a folding or pop-up tent trailer or a pick-up camper;
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26. SEPARATION DISTANCE means the distance measured from the base of the wind turbine tower to any specified building, structure, road or natural feature;
  27. SETBACK means the distance measured from the base of the wind turbine tower to any property or lot boundary or lot line;
  28. SIGN means any structure, device or natural object or part thereof, or any device attached thereto, or painted or represented thereon, used to identify, advertise or attract attention to any object, product, place, activity, institution, organization, commodity, profession, enterprise, industry or business, on which is displayed or includes any letter, word, model, number, banner, flag, pennant, insignia or representation used as an announcement, direction, or advertisement;
  29. SMALL SCALE WIND TURBINE means a wind turbine which has a power generation capacity equal to or less than 100 kilowatts, but not less than 25 kilowatts and also refers to a wind turbine which has a nameplate capacity equal to or less than 100 kilowatts, but not less than 25 kilowatts;
  30. STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure;
  31. WATERCOURSE means a lake, river, stream, ocean or other body of water;
  32. WIND TURBINE means a structure or device that produces power by capturing the kinetic energy in surface winds created by the sun and converting it into energy in the form of electricity and includes the wind turbine tower, the wind turbine rotor blades, the wind turbine nacelle and the wind turbine foundation;
  33. WIND TURBINE BLADE means the part of the wind turbine that rotates in the wind and extracts kinetic energy from the wind;
  34. WIND TURBINE HEIGHT means the distance or total vertical height of the entire wind turbine structure being the sum of the height of the support foundation above grade, measured at the base of the tower, the turbine tower itself, the nacelle and the highest vertical extension of the wind turbine rotor blades, generally expressed as half of the rotor blade sweep or diameter;
  35. WIND TURBINE NACELLE means the frame and housing at the top of the wind turbine tower that encloses the gearbox and generator and protects them from the weather;
  36. WIND TURBINE NAMEPLATE CAPACITY means the manufacturer's maximum rated output of the electrical generator found in the nacelle of the wind turbine;
  37. WIND TURBINE TOWER means a freestanding structure supported by a wind turbine foundation that serves to support other parts of the wind turbine, and may also mean a structure attached to guy wires that serve, to support other parts of the wind turbine;
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**PART 3: ADMINISTRATION AND INTREPRETATION****ADMINISTRATION**

3.1 This By-law shall be administered by the Development Officer.

**COMPLIANCE WITH OTHER BY-LAWS**

3.2 Nothing in this By-law shall exempt a person from complying with the requirements of any other by-law of the Municipality or from obtaining any license, permit or approval required by this or any other By-law of the Municipality or any regulation of the Province or the Government of Canada. Where these provisions conflict with those of any other by-law of the Municipality or a regulation of the Province or the Government of Canada, the higher or more stringent regulation shall prevail.

**DEVELOPMENT PERMIT**

- 3.3
- (a) Where a development permit is required, no person shall undertake a development on a lot within the Planning Area without first obtaining a development permit from the Development Officer.
  - (b) The Development Officer shall only issue a development permit in conformance with this By-law, except where a variance is granted or in the case of a nonconforming use or structure, in which case a permit shall be granted in conformance with the *Municipal Government Act*.
  - (c) A development permit issued under this By-law shall automatically lapse, and become null and void, if the development to which it relates has not commenced within 12 months of the development permit approval date.
  - (d) The Development Officer may revoke a development permit issued under this By-law where the Development Officer is satisfied that the development permit was issued under false or mistaken information or if the information provided on the development permit application is found to be inaccurate.
  - (e) Notwithstanding that a development may not require a development permit, the development is not exempt from compliance with any other requirement of this By-law or with any permit requirements set out in other applicable secondary land use by-laws.

**SIGNATURE FOR APPLICATIONS**

3.4 The application for a development permit shall be signed by all registered owners of the property or by the owner's agent, duly authorized in writing by the registered owner of the property to act for or on behalf of the registered owners.

**APPLICATION FEE**

3.5 Every application for a development permit, a variance or a by-law amendment shall be accompanied by a form of payment acceptable to the Municipality in the amount specified by Municipal Council, as amended from time to time.

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**APPLICATION FOR DEVELOPMENT PERMIT**

- 3.6 (a) Every application for a development permit shall be accompanied by a sketch or site plan drawn to an appropriate scale and showing:
- (i) the true shape, dimensions and area of the lot to be used or upon which a development is proposed;
  - (ii) the distance from the zone boundary to the boundary of the lot;
  - (iii) the distance from the zone boundary to the proposed development;
  - (iv) the distance of the proposed development from all lot boundaries and a copy of a registered easement where a waiver is authorized;
  - (v) the distance of the proposed development from every existing building or structure already erected on the lot and the size, shape and height of every building or structure already erected on the lot;
  - (vi) the proposed location and dimensions of any parking or loading area, driveway, ingress and egress points and landscaped area;
  - (vii) the distance of the proposed development from a public road;
  - (viii) the distance of the proposed development from a main building on an adjacent property;
  - (ix) the distance of the proposed development from an accessory building that is equal to or greater than ten square metres (107.6 sq. ft.) in ground floor area on an adjacent property;
  - (x) the distance of the proposed development from a habitable building on any other lot;
  - (xi) the proposed use of the lot, the proposed use of an existing building or structure on the lot and the proposed use of the development proposed to be erected on the lot;
  - (xii) the wind turbine manufacturer's specifications related to the maximum rated output of the electrical generator;
  - (xiii) the wind turbine manufacturer's name, logo and capacity nameplate;
  - (xiv) the dimensions of the proposed development, including the wind turbine height and rotor diameter and the color scheme of the proposed wind turbine to be erected on the lot;
  - (xv) the location, placement and type of any artificial lighting on the proposed wind turbine required so as to meet a provincial or federal regulation and the statement from the applicable provincial or federal regulatory authority or board indicating the location, placement and type of the artificial lighting on the proposed wind turbine required; and
  - (xvi) any other information which the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this By-law.
- (b) Where the Development Officer is unable to determine if the proposed development conforms to this By-law, the Development Officer may require that the plans submitted under Part 3.6(a) be based upon a plan of survey certified and stamped by Nova Scotia Land Surveyor.
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**CERTAIN WORDS**

- 3.7 In this By-law, words used in the present tense include future; words in the singular form include the plural; words in the plural include the singular; and the word "used" includes "arranged, designed or intended to be used"; and the word "shall" is mandatory and not permissive.

**PERMITTED USES**

- 3.8 In this By-law any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated. Where a permitted use within any zone is defined in this By-law, the uses permitted within the zone include *any similar* uses that satisfy such definition, except where a definition specifically excludes any similar uses.

**USE OF THE METRIC SYSTEM**

- 3.9 Throughout this By-law the metric system of measurement has been used followed by the approximate imperial system equivalents in brackets. Should any case arise in which there appears to be a discrepancy between the two figures, the metric figure shall prevail.

**ADVERTISING AND NOTIFICATION COSTS**

- 3.10 (a) Where an application is made for a variance or for an amendment to this By-law, the applicant shall deposit to the Municipality at the time of application an amount established by Council to pay the cost of all advertising and notification required.
- (b) If the amount paid under clause (a) is not sufficient to cover the costs incurred, the applicant shall pay to the Municipality the additional amount required.
- (c) If the amount paid is more than sufficient, the Municipality shall refund the excess amount.
- (d) Where Council decides not to proceed with the application, the deposit shall be returned to the applicant less the cost of any incurred advertising or notification cost.
- (e) Where the applicant withdraws the application, the deposit shall be returned to the applicant less the cost of any incurred advertising or notification cost.

**LARGE SCALE WIND TURBINE DECOMMISSIONING AND SITE REINSTATEMENT**

- 3.11 The registered owner of a property upon which a large scale wind turbine has been constructed or the developer/operator of a large scale wind turbine development shall notify the Municipality and the Development Officer of a decision to remove a large scale wind turbine from a property and notify the Municipality and the Development Officer as to the time when the large scale wind turbine will be removed and the reinstatement of the property shall be completed. A development permit shall be required prior to the removal of a large scale wind turbine from a property.
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**SECONDARY LAND USE BY-LAWS**

- 3.12 Land uses regulated by a Secondary Land Use By-law, other than large scale wind turbines, shall continue to be regulated in accordance with that Land Use By-law. Where a Secondary Land Use By-law contains regulations concerning the development of large scale wind turbines, this Land Use By-law shall take precedence over the Secondary Land Use By-law and the regulations established in that Secondary Land Use By-law shall be superseded by the requirements established by this Land Use By-law related to the development of large scale wind turbines.

**EXPANSIONS AND LARGE SCALE WIND TURBINES**

- 3.13 Where a habitable building is constructed on a lot not containing a large scale wind turbine after the effective date of this By-law, so as to be located within an established large scale wind turbine habitable building separation distance, any new large scale wind turbines that are to be developed in the Wind Resource (WR) Zone or the Hampton Hills Wind Resource (HHWR) Zone shall meet the minimum separation distance requirement from a habitable building applicable to that zone from that new habitable building constructed after the effective date of this By-law and any other applicable requirement of this By-law.

**EXPANSIONS AND MINI SCALE & SMALL SCALE WIND TURBINES**

- 3.14 Where a main building or an accessory building that is equal to or greater than ten square metres (107.6 sq. ft.) in ground floor area is constructed on an adjacent property after the effective date of this By-law, so as to be located within an established mini scale wind turbine or a small scale wind turbine separation distance, any new mini scale wind turbines or small scale wind turbines that are to be developed in the General Development (GD) Zone, the Wind Resource (WR) Zone or the Hampton Hills Wind Resource (HHWR) Zone shall meet the minimum separation distance requirement from a main building on an adjacent property or the minimum separation distance from an accessory building that is equal to or greater than ten square metres (107.6 sq. ft.) in ground floor area on an adjacent property applicable to that zone from that new main or accessory building constructed after the effective date of this By-law and any other applicable requirement of this By-law.

**EFFECTIVE DATE OF LAND USE BY-LAW**

- 3.15 Pursuant to the *Municipal Government Act*, this By-law shall take effect on the date of publication of the notice advertising the new by-law or amendment, hereinafter referred to as the effective date.

Notes to Reader: The effective date of this Land Use By-law is December 1, 2011

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**PART 4: ZONES AND THE ZONING MAPS**

- 4.1 For the purpose of this By-law, the Planning Area is divided into the zones indicated in the list below, the boundaries of which are shown on the attached Zoning Maps, Schedules "A", "B", "C", "D", "E" and "F", which forms part of this By-law. Such zones may be referred to by the corresponding symbols indicated opposite the zone name and the boundaries between zones shall be scaled from the Zoning Maps.

<b>ZONES</b>	<b>SYMBOL</b>
<b>General Development</b>	<b>GD</b>
<b>Wind Resource</b>	<b>WR</b>
<b>Hampton Hills Wind Resource</b>	<b>HHWR</b>

**PART 5: GENERAL PROVISIONS****MULTIPLE USES**

- 5.1 Any lot in any zone in the Planning Area may be developed for one or more than one use, more than one main building or structure or accessory building or structure may be developed on a lot in any zone and a building or structure located on a lot may be used for one or more than one use, provided all other requirements of this By-law are met.

**NON-CONFORMING USES AND STRUCTURES**

- 5.2 Any use of land or building or structure constructed, or being constructed, on or before the effective date of this By-law that does not conform to the requirements of this By-law shall be subject to the MGA provisions respecting non-conforming uses and structures.

**LOTS ALONG PRIVATE ROADS**

- 5.3 Whether a development permit is required or waived, if a lot intended to be used or upon which a building or structure is to be erected abuts a private road, the lot is eligible for development provided all other applicable requirements of this By-law are met.

**ZERO LOT FRONTAGE LOTS**

- 5.4 Whether a development permit is required or waived, a lot created pursuant to Section 27 of the Subdivision By-law for the Municipality of Annapolis County is eligible for development provided all other applicable requirements of this By-law are met.
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**PART 6 GENERAL DEVELOPMENT (GD) ZONE**

**GD ZONE PROHIBITED USES**

6.1 The following developments and uses shall be prohibited in the General Development (GD) Zone:

Large Scale Wind Turbines

**GD ZONE PERMITTED USES - NOT SUBJECT TO DEVELOPMENT PERMITS**

6.2 The following developments and uses shall be permitted in the General Development (GD) Zone and shall not require a development permit:

All developments and uses, except for those set out in Part 6.1 and Part 6.3 of this By-law

**GD ZONE PERMITTED USES - SUBJECT TO DEVELOPMENT PERMITS**

6.3 The following developments and uses shall be permitted in the General Development (GD) Zone and shall require a development permit:

Mini Scale Wind Turbine – subject to Part 6.4 of this By-law  
Small Scale Wind Turbine – subject to Part 6.5 of this By-law

**GD ZONE REQUIREMENTS RELATING TO MINI SCALE WIND TURBINES**

6.4 Mini scale wind turbines shall be permitted in the General Development (GD) Zone subject to the following requirements:

- a. the minimum setback distance for the mini scale wind turbine from all property boundaries shall be no less than one times the total height of the mini scale wind turbine. The minimum setback distance requirement shall be waived where the mini scale wind turbine is mounted on the roof of a residential dwelling structure;
  - b. the minimum separation distance for the mini scale wind turbine from a main building on an adjacent property shall be no less than two times the total height of the mini scale wind turbine. The minimum separation distance requirement shall be waived where the mini scale wind turbine is mounted on the roof of a residential dwelling structure. There is no minimum separation distance requirement from a main building located on the same lot as the mini scale wind turbine;
  - c. the minimum separation distance for the mini scale wind turbine from an accessory building on an adjacent property that is equal to or greater than ten square metres (107.6 sq. ft.) in ground floor area shall be no less than one and one half times the total height of the mini scale wind turbine. The minimum separation distance
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- requirement shall be waived where the mini scale wind turbine is mounted on the roof of a residential dwelling structure. There is no minimum separation distance requirement from a main building located on the same lot as the mini scale wind turbine;
- d. the mini scale wind turbine tower shall not display any commercial advertising or signage. The nacelle may display only the manufacturer's name, logo and capacity nameplate; and
  - e. the mini scale wind turbine shall not be provided with artificial lighting except for lighting that is required to meet a Provincial or Federal regulation.

### **GD ZONE REQUIREMENTS RELATING TO SMALL SCALE WIND TURBINES**

- 6.5 Small scale wind turbines shall be permitted in the General Development (GD) Zone subject to the following requirements:
- a. the minimum setback distance for the small scale wind turbine from all property boundaries shall be no less than one and one half times the total height of the small scale wind turbine;
  - b. the minimum separation distance for the small scale wind turbine from a main building on an adjacent property shall be no less than two and one half times the total height of the small scale wind turbine. There is no minimum separation distance requirement from a main building located on the same lot as the small scale wind turbine;
  - c. the minimum separation distance for the small scale wind turbine from an accessory building on an adjacent property that is equal to or greater than ten square metres (107.6 sq. ft.) in ground floor area shall be no less than two times the total height of the small scale wind turbine. There is no minimum separation distance requirement from an accessory building located on the same lot as the small scale wind turbine;
  - d. the small scale wind turbine tower shall not display any commercial advertising or signage. The nacelle may display only the manufacturer's name, logo and capacity nameplate; and
  - e. the small scale wind turbine shall not be provided with artificial lighting except for lighting that is required to meet a Provincial or Federal regulation.

### **SPECIAL GD ZONE REQUIREMENT: MAXIMUM NUMBER OF MINI SCALE WIND TURBINES OR SMALL SCALE WIND TURBINES**

- 6.6 The total number of mini scale wind turbines or small scale wind turbines that may be built, erected, constructed, placed, located or developed on a lot in the General Development (GD) Zone shall be limited to a maximum of two mini scale wind turbines or a maximum of two small scale wind turbines. The combination of a mini scale wind turbine and a small scale wind turbine shall be limited so as only two such wind turbine structures may be built, erected, constructed, placed, located or developed on a lot in the General Development (GD) Zone.
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**PART 7 WIND RESOURCE (WR) ZONE**

**WR ZONE PERMITTED USES - NOT SUBJECT TO DEVELOPMENT PERMITS**

- 7.1 The following developments and uses shall be permitted in the Wind Resource (WR) Zone and shall not require a development permit:

All developments and uses, except for those set out in Part 7.2 of this By-law

**WR ZONE PERMITTED USES - SUBJECT TO DEVELOPMENT PERMITS**

- 7.2 The following developments and uses shall be permitted in the Wind Resource (WR) Zone and shall require a development permit:

Mini Scale Wind Turbine – subject to Part 7.3 of this By-law  
Small Scale Wind Turbine – subject to Part 7.4 of this By-law  
Large Scale Wind Turbine – subject to Part 7.5 of this By-law

**WR ZONE REQUIREMENTS RELATING TO MINI SCALE WIND TURBINES**

- 7.3 Mini scale wind turbines shall be permitted in the Wind Resource (WR) Zone subject to the following requirements:
- a. the minimum setback distance for the mini scale wind turbine from all property boundaries shall be one half the rotor diameter plus one metre (3.28 ft.). The minimum setback distance requirement shall be waived where the mini scale wind turbine is mounted on the roof of a residential dwelling structure;
  - b. the minimum separation distance for the mini scale wind turbine from a main building on an adjacent property shall be no less than two times the total height of the mini scale wind turbine. The minimum separation distance requirement shall be waived where the mini scale wind turbine is mounted on the roof of a residential dwelling structure. There is no minimum separation distance requirement from a main building located on the same lot as the mini scale wind turbine;
  - c. the minimum separation distance for the mini scale wind turbine from an accessory building on an adjacent property that is equal to or greater than ten square metres (107.6 sq. ft.) in ground floor area shall be no less than one and one half times the total height of the mini scale wind turbine. The minimum separation distance requirement shall be waived where the mini scale wind turbine is mounted on the roof of a residential dwelling structure. There is no minimum separation distance requirement from an accessory building located on the same lot as the mini scale wind turbine;
  - d. the minimum separation distance for the mini scale wind turbine from a public road shall be no less than two times the total height of the mini scale wind turbine;
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- e. the mini scale wind turbine tower shall not display any commercial advertising or signage. The nacelle may display only the manufacturer's name, logo and capacity nameplate; and
- f. the mini scale wind turbine shall not be provided with artificial lighting except for lighting that is required to meet a Provincial or Federal regulation.

#### **WR ZONE REQUIREMENTS RELATING TO SMALL SCALE WIND TURBINES**

- 7.4 Small scale wind turbines shall be permitted in the Wind Resource (WR) Zone subject to the following requirements:
- a. the minimum setback distance for the small scale wind turbine from all property boundaries shall be one half the rotor diameter plus one metre (3.28 ft.);
  - b. the minimum separation distance for the small scale wind turbine from a main building on an adjacent property shall be no less than two and one half times the total height of the small scale wind turbine. There is no minimum separation distance requirement from a main building located on the same lot as the small scale wind turbine;
  - c. the minimum separation distance for the small scale wind turbine from an accessory building on an adjacent property that is equal to or greater than ten square metres (107.6 sq. ft.) in ground floor area shall be no less than two times the total height of the small scale wind turbine. There is no minimum separation distance requirement from an accessory building located on the same lot as the small scale wind turbine;
  - d. the minimum separation distance for the small scale wind turbine from a public road shall be no less than two times the total height of the small scale wind turbine;
  - e. the small scale wind turbine tower shall not display any commercial advertising or signage. The nacelle may display only the manufacturer's name, logo and capacity nameplate; and
  - f. the small scale wind turbine shall not be provided with artificial lighting except for lighting that is required to meet a Provincial or Federal regulation.

#### **SPECIAL WR ZONE REQUIREMENT: MAXIMUM NUMBER OF MINI SCALE WIND TURBINES OR SMALL SCALE WIND TURBINES**

- 7.5 The total number of mini scale wind turbines or small scale wind turbines that may be built, erected, constructed, placed, located or developed on a lot in the Wind Resource (WR) Zone shall be limited to a maximum of two mini scale wind turbines or a maximum of two small scale wind turbines. The combination of a mini scale wind turbine and a small scale wind turbine shall be limited so as only two such wind turbine structures may be built, erected, constructed, placed, located or developed on a lot in the Wind Resource (WR) Zone.
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**WR ZONE REQUIREMENTS RELATING TO LARGE SCALE WIND TURBINES**

- 7.6 Large scale wind turbines shall be permitted in the Wind Resource (WR) Zone subject to the following requirements:
- a. the minimum setback distance for the large scale wind turbine from all property boundaries shall be one half the rotor diameter plus one metre (3.28 ft.);
  - b. notwithstanding 7.5 (a), the minimum setback distance from a property boundary may be waived to the extent that permits the large scale wind turbine rotor blade, but not the large scale wind turbine foundation, tower or nacelle, to project over an adjacent property boundary or into an adjacent property air space, but not a public road property boundary, provided that the adjacent lot to which the large scale wind turbine rotor blade will project into or overhang has provided an easement for right-of-way and access to permit the projection into or to overhang the property and the easement has been clearly granted by deed and registered in the Registry of Deeds in favour of the owner of the lot upon which the large scale wind turbine is located upon and all other applicable requirements of this By-law are satisfied;
  - c. the minimum separation distance for the large scale wind turbine from a habitable building in any zone shall be one thousand metres (3,280.84 ft.). There is no minimum separation distance requirement from a habitable building located on the same lot as the large scale wind turbine;
  - d. the minimum separation distance for the large scale wind turbine from a public road shall be no less than two times the total height of the large scale wind turbine;
  - e. the large scale wind turbine shall be finished in a non-reflective matte finish. The permitted colors for a large scale wind turbine shall be limited to white, grey or light blue or any other color or combination of color that is required to meet a Provincial or Federal regulation;
  - f. the large scale wind turbine tower shall not display any commercial advertising or signage. The nacelle may display only the manufacturer's name, logo and capacity nameplate and the turbine operator's name and/or logo; and
  - g. the large scale wind turbine shall not be provided with artificial lighting except for lighting that is required to meet a Provincial or Federal regulation.
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**PART 8 HAMPTON HILLS WIND RESOURCE (HHWR) ZONE**

**HHWR ZONE PERMITTED USES - NOT SUBJECT TO DEVELOPMENT PERMITS**

8.1 The following developments and uses shall be permitted in the Hampton Hills Wind Resource (HHWR) Zone and shall not require a development permit:

All developments and uses, except for those set out in Part 8.2 of this By-law

**HHWR ZONE PERMITTED USES - SUBJECT TO DEVELOPMENT PERMITS**

8.2 The following development and uses shall be permitted in the Hampton Hills Wind Resource (HHWR) Zone and shall require a development permit:

- Mini Scale Wind Turbine – subject to Part 8.3 of this By-law
- Small Scale Wind Turbine – subject to Part 8.4 of this By-law
- Large Scale Wind Turbine – subject to Part 8.5 of this By-law
- Large Scale Wind Turbine ancillary meteorological stations
- Large Scale Wind Turbine Operations and Maintenance Buildings

**HHWR ZONE REQUIREMENTS RELATING TO MINI SCALE WIND TURBINES**

8.3 Mini scale wind turbines shall be permitted in the Hampton Hills Wind Resource (HHWR) Zone subject to the following requirements:

- a. the minimum setback distance for the mini scale wind turbine from all property boundaries shall be one half the rotor diameter plus one metre (3.28 ft.). The minimum setback distance requirement shall be waived where the mini scale wind turbine is mounted on the roof of a residential dwelling structure;
  - b. the minimum separation distance for the mini scale wind turbine from a main building on an adjacent property shall be no less than two times the total height of the mini scale wind turbine. The minimum separation distance requirement shall be waived where the mini scale wind turbine is mounted on the roof of a residential dwelling structure. There is no minimum separation distance requirement from a main building located on the same lot as the mini scale wind turbine;
  - c. the minimum separation distance for the mini scale wind turbine from an accessory building on an adjacent property that is equal to or greater than ten square metres (107.6 sq. ft.) in ground floor area shall be no less than one and one half times the total height of the mini scale wind turbine. The minimum separation distance requirement shall be waived where the mini scale wind turbine is mounted on the roof of a residential dwelling structure. There is no minimum separation distance requirement from an accessory building located on the same lot as the mini scale wind turbine;
  - d. the minimum separation distance for the mini scale wind turbine from a public road shall be no less than two times the total height of the mini scale wind turbine;
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- e. the mini scale wind turbine tower shall not display any commercial advertising or signage. The nacelle may display only the manufacturer's name, logo and capacity nameplate; and
- f. the mini scale wind turbine shall not be provided with artificial lighting except for lighting that is required to meet a Provincial or Federal regulation.

#### **HHWR ZONE REQUIREMENTS RELATING TO SMALL SCALE WIND TURBINES**

- 8.4 Small scale wind turbines shall be permitted in the Hampton Hills Wind Resource (HHWR) Zone subject to the following requirements:
- a. the minimum setback distance for the small scale wind turbine from all property boundaries shall be one half the rotor diameter plus one metre (3.28 ft.);
  - b. the minimum separation distance for the small scale wind turbine from a main building on an adjacent property shall be no less than two and one half times the total height of the small scale wind turbine. There is no minimum separation distance requirement from a main building located on the same lot as the small scale wind turbine;
  - c. the minimum separation distance for the small scale wind turbine from an accessory building on an adjacent property that is equal to or greater than ten square metres (107.6 sq. ft.) in ground floor area shall be no less than two times the total height of the small scale wind turbine. There is no minimum separation distance requirement from an accessory building located on the same lot as the small scale wind turbine;
  - d. the minimum separation distance for the small scale wind turbine from a public road shall be no less than two times the total height of the small scale wind turbine;
  - e. the small scale wind turbine tower shall not display any commercial advertising or signage. The nacelle may display only the manufacturer's name, logo and capacity nameplate; and
  - f. the small scale wind turbine shall not be provided with artificial lighting except for lighting that is required to meet a Provincial or Federal regulation.

#### **SPECIAL HHWR ZONE REQUIREMENT: MAXIMUM NUMBER OF MINI SCALE WIND TURBINES OR SMALL SCALE WIND TURBINES**

- 8.5 The total number of mini scale wind turbines or small scale wind turbines that may be built, erected, constructed, placed, located or developed on a lot in the Hampton Hills Wind Resource (HHWR) Zone shall be limited to a maximum of two mini scale wind turbines or a maximum of two small scale wind turbines. The combination of a mini scale wind turbine and a small scale wind turbine shall be limited so as only two such wind turbine structures may be built, erected, constructed, placed, located or developed on a lot in the Hampton Hills Wind Resource (HHWR) Zone.
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**HHWR ZONE REQUIREMENTS RELATING TO LARGE SCALE WIND TURBINES**

- 8.6 Large scale wind turbines shall be permitted in the Hampton Hills Wind Resource (HHWR) Zone subject to the following requirements:
- a. the minimum setback distance for the large scale wind turbine from all property boundaries shall be one half the rotor diameter plus one metre (3.28 ft.);
  - b. notwithstanding 8.5 (a), the minimum setback distance from a property boundary may be waived to the extent that permits the large scale wind turbine rotor blade, but not the large scale wind turbine foundation, tower or nacelle, to project over an adjacent property boundary or into an adjacent property air space, but not a public road property boundary, provided that the adjacent lot to which the large scale wind turbine rotor blade will project into or overhang has provided an easement for right-of-way and access to permit the projection into or to overhang the property and the easement has been clearly granted by deed and registered in the Registry of Deeds in favour of the owner of the lot upon which the large scale wind turbine is located upon and all other applicable requirements of this By-law are satisfied;
  - c. the minimum separation distance for the large scale wind turbine from a habitable building in any zone shall be seven hundred metres (2,296.59 ft.). There is no minimum separation distance requirement from a habitable building located on the same lot as the large scale wind turbine;
  - d. the minimum separation distance for the large scale wind turbine from a public road shall be no less than two times the total height of the large scale wind turbine;
  - e. the large scale wind turbine shall be finished in a non-reflective matte finish. The permitted colors for a large scale wind turbine shall be limited to white, grey or light blue or any other color or combination of color that is required to meet a Provincial or Federal regulation;
  - f. the large scale wind turbine tower shall not display any commercial advertising or signage. The nacelle may display only the manufacturer's name, logo and capacity nameplate and the turbine operator's name and/or logo; and
  - g. the large scale wind turbine shall not be provided with artificial lighting except for lighting that is required to meet a Provincial or Federal regulation.
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