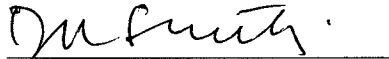


**Municipality of the County of Pictou  
Land Use Bylaw**

**Adopted by Municipal Council on September 10, 2007**

I acknowledge receipt of this Land Use Bylaw, dealing with Wind Energy Developments, adopted at a meeting of Municipal Council held on September 10, 2007.

I have reviewed the documents pursuant to Section 208 of the *Municipal Government Act* and have not determined that the documents fall within any of the categories requiring approval listed in subsection 208(3), therefore the documents are not subject to the approval of the Minister of Service Nova Scotia and Municipal Relations.

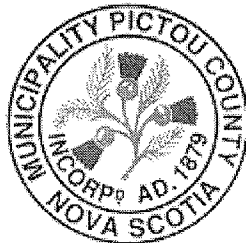


Dave Smith  
Assistant Provincial Director of Planning

Dated: OCT 1 2007

# **MUNICIPALITY OF THE COUNTY OF PICTOU**

Land Use Bylaw



Wind Energy Developments

August 2007

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## **Land Use By-law**

### **1. TITLE AND PURPOSE**

#### **TITLE**

1.1. This By-law shall be known and may be cited as the Land Use By-law for the Municipality of the County of Pictou.

#### **PURPOSE**

1.2. The purpose of this By-law is to carry out the purpose and intent of the Municipal Planning Strategy in accordance with the provisions of the Nova Scotia Municipal Government Act (Chapter 18, Acts of 1998) as amended, by regulating the development of wind turbines. This By-law shall apply to the Municipality of the County of Pictou shown on Schedule "A", Zoning Map.

1.3. This By-law does not exempt any person from complying with other by-laws or regulations in force within the Municipality of the County of Pictou or from obtaining any license, permission, permit, authority or approval required there under. Where any provisions of this By-law conflicts with those of any other Municipal, Provincial or Federal regulation, by-law or code, the more stringent requirement shall prevail.

## **2. ADMINISTRATION**

### **DEVELOPMENT OFFICER**

2.1. This By-law shall be administered by the Development Officer appointed by the Council of the Municipality of the County of Pictou, and the Development Officer shall issue Development Permits under this By-law.

### **ACTING DEVELOPMENT OFFICER**

2.2. In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.

### **REQUIREMENT FOR DEVELOPMENT PERMIT**

2.3. No person shall undertake, or cause or permit to be undertaken, any wind turbine development in the area to which this Land-Use By-law applies unless a Development Permit has been obtained in relation to such development from the Development Officer or Acting Development Officer, as appointed by Council.

### **NO PERMIT REQUIRED**

2.4. A Development Permit is not required for any development except for wind turbine development.

## **REQUIREMENT FOR APPLICATION**

2.5. Every person wishing to obtain a Development Permit must submit an application for such Development Permit to the Development Officer in the form prescribed from time to time by Council.

## **CONTENTS OF APPLICATION**

2.6. Every application for a Development Permit shall be accompanied by a plan drawn to an appropriate scale and showing:

2.6.1. the true shape and dimension of the lot to be used or upon which the development is proposed;

2.6.2. the proposed location, height and dimensions of any building or structure for which the permit is applied and the location information shall include measurements of the lot frontage and front, side and rear yards;

2.6.3. the location of every building or structure already constructed, or partly constructed, on such lot and the location of every building or structure existing upon abutting lots;

2.6.4. the location of any watercourse and location of any existing or proposed building or structure in relation to the watercourse; and

2.6.5. other such information as may be necessary to determine whether or not the proposed development conforms with the requirements of this By-law.

## **SURVEY OF LANDS**

2.7. Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Development Officer may require that the plans submitted under Section 2.6 be based upon an actual survey by a Nova Scotia Land Surveyor.

## **SIGNATURES**

2.8. The application for a Development Permit shall be signed by the owner of the lot, or by his or her authorized agent, and shall set forth in detail the current and proposed use of the lot and each building or structure, or part thereof, together with all information necessary to determine whether or not the proposed development conforms to the requirements of this By-law.

## **ISSUANCE OF A DEVELOPMENT PERMIT**

2.9. The Development Officer shall not issue a Development Permit unless:

2.9.1. the proposed development is in conformance with this By-law; or

2.9.2. the Development Officer has granted a variance from the terms of this By-law, pursuant to the Municipal Government Act and the time for appeal has elapsed or the appeal has been disposed of and the development is otherwise consistent with the requirements of this Land Use By-law.

## **DEVIATIONS**

- 2.10. No person shall deviate, or allow deviations to be made, from the description of the proposed development that is contained in the Development Permit, unless the developer has obtained a new Development Permit from the Development Officer.

## **RIGHT OF ENTRY**

- 2.11. Pursuant to the Municipal Government Act, the Development Officer, at all reasonable times, may enter into or upon any property within the area to which this Land Use By-law applies for the purposes of any inspection necessary in connection with the administration of this By-law.

## **LAPSE OF PERMITS**

- 2.12. Every 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 and three years has passed since its issuance.

## **REVOCAION OF DEVELOPMENT PERMIT**

- 2.13. The Development Officer may revoke a Development Permit where the development permit was issued based upon false or mistaken information.

## **DECISION IN WRITING**

- 2.14. Any decision of the Development Officer to refuse the issuance of a Development Permit shall be given by written notice served by ordinary



mail, whereas any decision to revoke a Development Permit shall be given by written notice served by registered mail, and such revocation shall become effective on the third business day after it was sent.

## **VIOLATIONS**

- 2.15. In the event of any alleged contravention of the provisions of this By-law, the Municipality of the County of Pictou may take action as outlined in the Municipal Government Act, as amended from time to time.

## **EFFECTIVE DATE**

- 2.16. Pursuant to the Municipal Government Act, this By-law shall take effect on the date a notice is published in a newspaper, circulating in the Municipality, informing the public that the Planning Strategy and its implementing Land Use By-law are in effect.

## **COST OF NOTICE FOR A VARIANCE**

- 2.17. Pursuant to the Municipal Government Act, where a variance from the requirements of this By-law has been granted or refused, the Development Officer shall give notice to the persons required and in the manner prescribed by the Municipal Government Act, such notice to be served by ordinary mail, and the Municipality shall recover from the applicant the cost of giving such notice.

### **3. INTERPRETATION**

#### **ZONES**

3.1. For the purpose of this By-law, the whole of the Municipality of the County of Pictou shall be placed in the General Development Zone, the boundaries of which are shown on the attached Schedule "A". This zone is also referred to by the symbol "GD".

#### **ZONING MAP**

3.2. The attached Schedule "A" is titled "Zoning Map" and forms a part of this By-law.

#### **INTERPRETATION OF CERTAIN WORDS**

3.3. In this by-law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; the word "used" includes "arranged", "designed" or "intended to be used"; the word "shall" is mandatory and not permissive. All other words and phrases carry their customary meaning except for those defined in Part 5 of this By-law, entitled "Definitions".

#### **STANDARDS OF MEASUREMENT**

3.4. The Metric System of Measurement is used throughout this By-law and in all cases represents the required standard. Imperial measurements are approximate only, for convenience only, and are not to be regarded as precise.

## **VARIANCE FROM MINIMUM REQUIREMENTS**

3.5. In accordance with the requirements of the Municipal Government Act, the Development Officer may not grant a variance for the size of yards (setback requirements) provided the

- variance violates the intent of this Land-Use By-law;
- difficulty experienced is general to properties in the area; or
- difficulty experienced results from an intentional disregard for the requirements of this Land-Use By-law.

## **4. GENERAL DEVELOPMENT (GD) ZONE**

### **PERMITTED DEVELOPMENTS**

4.1. All developments are permitted in the General Development (GD) Zone.

### **REQUIREMENTS**

4.2. No requirements apply to any development except wind turbine development which is subject to the following:

#### Utility Scale Wind Turbines

- Minimum setback from residences, except residences located on the same lot as the wind turbine, shall be 600 metres (1968.5 feet). There is no setback requirement from residences located on the same lot.
- Minimum setback from all property lines shall be one times the height of the turbine.
- Minimum setback from the boundary of a public road shall be 300 metres (984.3 feet);

#### Domestic Wind Turbines

- Minimum setback from all adjacent lot boundaries shall be one times the height of the turbine.

### **EXPANSION OF WIND TURBINE DEVELOPMENT**

4.3. Notwithstanding the setback requirement from a residence contained in Section 4.2, where a residence is constructed within the setback distance of utility scale wind turbine development erected after the effective date of this Strategy, the wind turbine development may expand. The setback requirement for any expansion shall be the distance from the wind turbine

development established after the effective date of this By-law to any residence constructed subsequent to the wind turbine development.

#### **SETBACK ON LAND LEASED FOR WIND TURBINE DEVELOPMENT**

4.4. The setback requirement from a property line contained in Section 4.2 is waived where wind turbine development occurs on land where the adjacent property is subject to a lease for that purpose for a term of 19 years or greater. The setback requirement shall apply to any property which is not leased for wind turbine development.

## 5. DEFINITIONS

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

- 5.1. **Domestic Wind Turbine** means a wind turbine which has a rated capacity of not more than 200 Kilowatts (kW) and which is intended primarily to reduce on-site consumption of utility power;
- 5.2. **Height of Wind Turbine** means the distance from ground level to the height of a rotor blade in a vertical position;
- 5.3. **Public Road** means:
- 5.3.1. any road or highway owned and currently maintained by the Department of Transportation and Public Works excluding designated controlled access highways pursuant to Section 21 of the Public Highways Act, or
  - 5.3.2. any road owned and currently maintained by the Municipality of the County of Pictou;
- 5.4. **Utility Scale Wind Turbine** means a device for converting wind power to produce electricity of at least 200 Kilowatts (Kw);
- 5.5. **Residence** means a structure used for human habitation, whether for seasonal or permanent occupancy, and is assessed for residential taxation purposes on the Municipality of the County of Pictou's annual assessment roll.

5.6. **Watercourse** means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, whether it contains water or not.



The Municipality of the County of Fictou

Land Use By-Law Zoning

General Development Zone - GD

Town Boundaries

Lakes

Land

100 Series Hwy

Roads

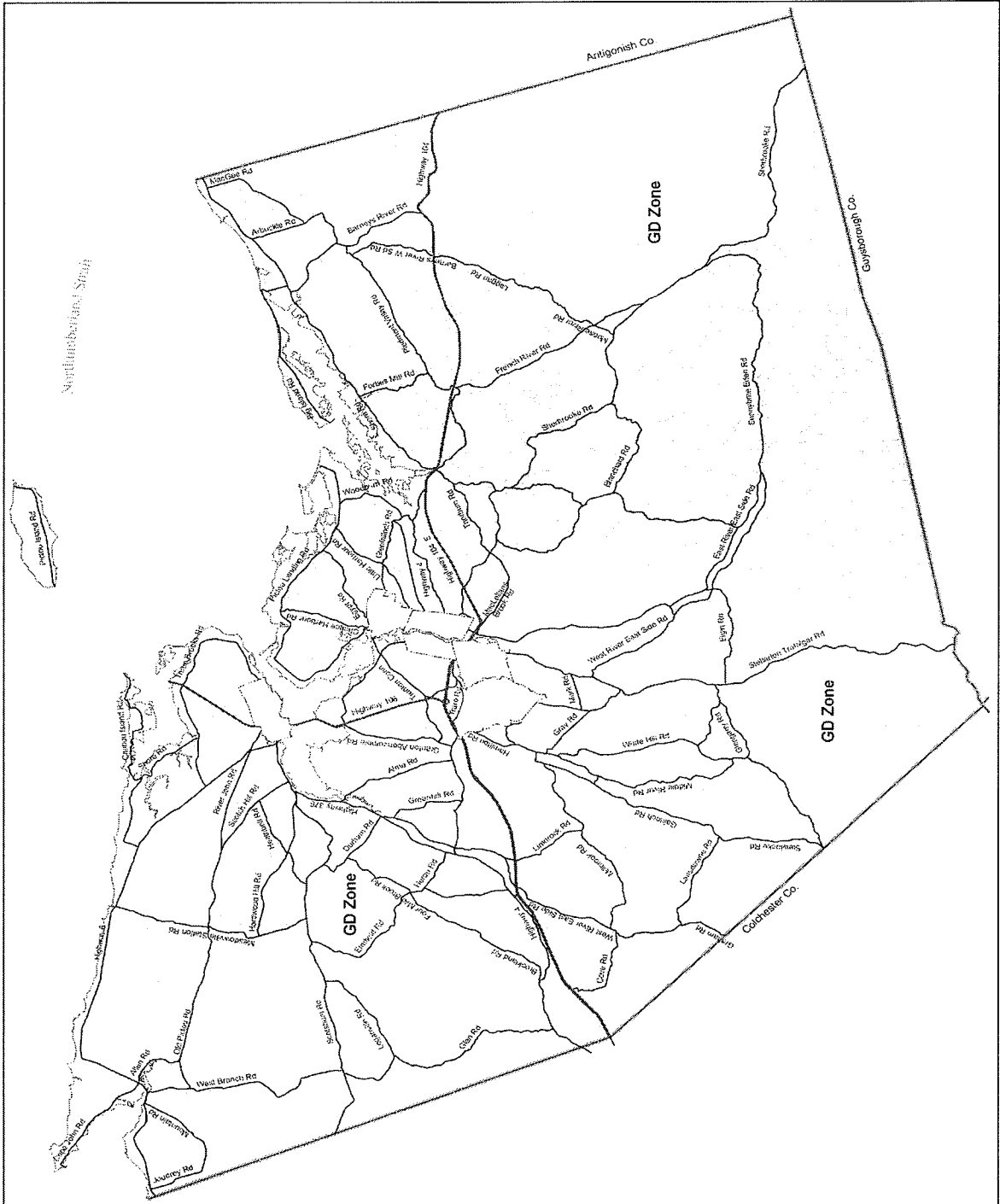
County Boundary

Coastline

Rivers



1:250,000





**THIS IS TO CERTIFY** that the foregoing is a true copy of a Bylaw duly adopted by the Municipal Council for the Municipality of the County of Pictou at a duly called meeting of the Council held on the 10<sup>th</sup> day of September, 2007.



BRIAN CULLEN, MUNICIPAL CLERK

First Reading	August 7, 2007
Notice of Public Hearing	August 20, 2007 (The News)
	August 22, 2007 (Pictou Advocate)
	August 27, 2007 (The News)
	August 29, 2007 (Pictou Advocate)
Public Hearing	September 10, 2007
Second Reading	September 10, 2007