



**Excerpt of DRAFT changes
given first reading
May 30, 2022**

plan
cumberland

Land
Use
By-law

Adopted
April 4, 2018

With Amendments To
DATE

5.1 Small-scale Wind Turbines

Permitted Zones

5.1.1 Small-scale wind turbines shall be permitted in all zones. *[Deletions: CHG-507]*

Siting Requirements

5.1.2 There is no lot frontage requirement for wind energy projects.

5.1.3 Small-scale wind turbines shall have the minimum separation distances as outlined in Table 3. *[Deletions: CHG-507]*

Table 3 – Small-scale Wind Turbine Separation Distances

From	Minimum Separation Distance
(a) Habitable buildings external to the wind energy project	75 metres or 1.5 times the height of the turbine, whichever is larger
(b) Habitable buildings internal to the wind energy project	1.25 times the height of the turbine
(c) Property lines external to the wind energy project	1.25 times the height of the turbine
(d) Property lines internal to the wind energy project	None
(e) Streets and railway rights-of-way	1.25 times the height of the turbine
(f) Natural gas pipeline rights-of-way	85 metres
(g) Small-, medium- , and large-scale wind turbines external to the wind energy project, including wind turbines that have a valid development permit but have not yet been constructed	2 times the height of the proposed wind turbine or 2 times the height of the wind turbine external to the wind energy project, whichever is larger

[CHG-507]

5.1.4 Notwithstanding Clause 5.1.3 (a), the minimum separation distance from a habitable building external to the wind energy project may be reduced to as low as 1.25 times the height of the turbine with the written consent of all owners of that habitable building.

5.1.5 Notwithstanding Clause 5.1.3 (g), the minimum separation distance from a small-, **medium-**, or large-scale wind turbine external to the wind energy project may be waived with the written consent of all owners of the external wind turbine. **[CHG-507]**

5.1.6 Notwithstanding Clause 5.1.3 (a), proposed habitable buildings shall have a minimum separation distance from small-scale wind turbines of 1.25 times the turbine height. *[Deletion: CHG-507]*

5.1.7 If a wind turbine project is expanded, the expansion shall not be located any closer to new habitable buildings that were permitted by Subsection 5.1.6

5.1.8 There is no limit on the number of small-scale wind turbines in any one area provided all of the turbines meet setback and separation distance requirements. *[Deletion: CHG-507]*

Design Requirements

- 5.1.9 The minimum clearance between the wind turbine blades and the ground shall be **5 metres. [CHG-507]**
- 5.1.10 Small-scale wind turbines shall be finished in a non-reflective, matte finish. *[Deletion: CHG-507]*
- 5.1.11 Small-scale wind turbines shall be protected from unauthorized access by a security fence with a lockable gate and a minimum height of 1.8 metres, or by having any ladder or permanent tower access device located no closer to the ground than 3.7 metres or, for monopole designs, by securing access with a lockable door. *[Deletion: CHG-507]*
- 5.1.12 Small-scale wind turbines shall not be provided with artificial lighting except for lighting that is needed to meet Transport Canada or other regulatory requirements. *[Deletion: CHG-507]*
- 5.1.13 Security and site lighting shall not be intrusive and shall be directed so that they do not reflect onto adjacent properties.
- 5.1.14 Small-scale wind turbines turbine towers shall not contain any commercial advertising; however, the hub or nacelle may display the name or logo of the manufacturer, operator, and/or owner. *[Deletion: CHG-507]*
- 5.1.15 Site signs shall be limited to those that identify the wind energy project, locate access points, and provide safety information.
- 5.1.16 All outdoor storage associated with a wind energy project shall be screened from view from adjacent properties and streets.

Operation and Decommissioning Requirements

- 5.1.17 *[Deleted: CHG-507]*
- 5.1.18 *[Deleted: CHG-507]*
- 5.1.19 *[Deleted: CHG-507]*

Permit Application Requirements

- 5.1.20 In addition to all information normally required for development permit applications, applications for development permits for small-scale wind turbines shall be accompanied by the following information: *[Deletions: CHG-507]*
- (a) evidence and results of public notification, if conducted;
 - (b) when placed on land in the Agriculture (AG) Zone, evidence of the continued use of prime agricultural land for farm use;
 - (c) evidence of notification to the Department of National Defense, NavCanada, Industry Canada, and the Department of Natural Resources, or any successor bodies, regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable;
 - (d) copies of documentation required (obstruction clearance form) by Transport Canada, or a successor body, for turbines taller than 30 metres;
- and**
- (e) copies of documentation required by NavCanada, or a successor body, for all turbines within 10 km of an airport or for turbines taller than 30 metres outside the 10 km range.
 - (f) *[Deleted: CHG-507]*
 - (g) *[Deleted: CHG-507]*
- 5.1.21 The applicant shall also submit a site plan prepared by a qualified individual (*e.g.* surveyor or engineer) and drawn to scale, showing:
- (a) the location of all wind turbines and accessory uses;
 - (b) the dimensions and boundaries of all parcels of land;
 - (c) the location of all existing and proposed buildings, structures and uses;
 - (d) proposed alterations to natural features; **and**
 - (e) all required setbacks and separation distances.
 - (f) *[Deleted: CHG-507]*
- 5.1.22 *[Deleted: CHG-507]*
- 5.1.23 *[Deleted: CHG-506]*

5.2 Domestic-scale Wind Turbines

5.2.1 Domestic-scale wind turbines shall be permitted in all zones. *[Deletions: CHG-507]*

5.2.2 Domestic-scale wind turbines shall meet the following requirements: *[Deletions: CHG-507]*

- (a) The minimum separation distance from property lines **and railway rights-of-way** shall be **1.1** times the height of the turbine. **[CHG-507]**
- (b) The minimum lot area for the subject property shall be 4,000 m².
- (c) There shall be no signs, advertisements, or objects attached to or added to the turbine.
- (d) Turbines 6 metres or greater in height shall not be mounted on or attached to any other structure.
- (e) All supporting structures such as guy wires or similar support apparatus shall be located a minimum of 3 metres from the property line.
- (f) All supporting structures such as guy wires or similar support apparatus shall be clearly visible to a height of 2 metres above grade.
- (g) Any climbing apparatus shall be a minimum of 3 metres above grade.
- (h) The minimum separation distance from habitable buildings external to the wind energy project shall be 50 metres or 1.25 times the height of the turbine, whichever is larger. [CHG-507]**
- (i) The minimum separation distance from habitable buildings internal to the wind energy project shall be 1.1 times the height of the turbine. [CHG-507]**
- (j) The minimum separation distance from natural gas rights-of-way shall be 85 metres. [CHG-507]**
- (k) The minimum separation distance from wind turbines external to the wind energy project, including turbines for which a valid development permit has been granted but has not yet been constructed, shall be 1.25 times the height of the turbine. [CHG-507]**

5.2.3 Notwithstanding Clause 5.2.2 (a), the minimum separation distance may be reduced or waived with the written consent of the property owner(s) of the land on the other side of the property line for which the reduction or waiver is proposed.

5.2A Meteorological (Test) Towers

5.2A.1 Meteorological towers for testing wind speeds for the purpose of identifying the suitability of a wind resource shall be permitted in all zones subject to the following requirements:

- (a) Meteorological towers shall require a development permit and shall not be required to meet zone standards.**
- (b) The property owner or developer shall remove the meteorological tower within 180 days from the date testing activity ceases.**
- (c) The Municipality shall notify the public through a newspaper circulating in the municipality upon issuance of a development permit of a meteorological tower.**

[CHG-507]

Part 5 Changelog

Reference Number	Date	File or Project	General Nature of the Changes
CHG-501	2018.11.14	2018 Housekeeping	Added a cap on accessory dwelling size and permitted them in the Agriculture (AG) Zone
CHG-502	2018.11.14	2018 Housekeeping	Refined regulations for recreational vehicle parking sites
CHG-503	2018.11.14	2018 Housekeeping	Added regulations for shipping containers
CHG-504	2020.09.16	2020 MPS and LUB Amendments	Added provisions for recreational cabins
CHG-505	2020.09.16	2020 MPS and LUB Amendments	Refined regulations for recreational vehicle parking sites
CHG-506	DATE	2021 Wind Turbine Moratorium	Temporarily placed a hold on new wind turbine applications
CHG-507	DATE	2022 Wind Turbine Amendments	Removed provisions related to large-scale wind turbines, refined requirements for small-scale wind turbines and domestic -scale wind turbines, and added provisions for meteorological towers