

5 Use Specific Regulations



5.1 Small- and Large-scale Wind Turbines

Permitted Zones

- 5.1.1 Small- and large-scale wind turbines shall be permitted in all zones but shall not be permitted on lands covered by the Wind Turbine Restricted Overlay, shown on Schedule F.

Siting Requirements

- 5.1.2 There is no lot frontage requirement for wind energy projects.
- 5.1.3 Small- and large-scale wind turbines shall have the minimum separation distances as outlined in Table 3.

Table 3 – Wind Turbine Separation Distances

From	Minimum Separation Distance
(a) Habitable buildings external to the wind energy project	600 metres or 3 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	1.1 times the height of the turbine, or height of the turbine plus 7.5 metres, whichever is larger
(d) Property lines internal to the wind energy project	None
(e) Streets and railway rights-of-way	1.1 times the height of the turbine, or height of the turbine plus 7.5 metres, whichever is larger
(f) Natural gas pipeline rights-of-way	85 metres
(g) Small- 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	4 times the height of the proposed wind turbine or 4 times the height of the wind turbine external to the wind energy project, whichever is larger

- 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- 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.
- 5.1.6 Notwithstanding Clause 5.1.3 (a), proposed habitable buildings shall have a minimum separation distance from small- or large-scale wind turbines of 1.25 times the turbine height.
- 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- or large-scale wind turbines in any one area provided all of the turbines meet setback and separation distance requirements.

Design Requirements

- 5.1.9 The minimum clearance between the wind turbine blades and the ground shall be 7.5 metres.
- 5.1.10 Small- and large-scale wind turbines shall be finished in a non-reflective, matte finish.
- 5.1.11 Small- and large-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.
- 5.1.12 Small- and large-scale wind turbines shall not be provided with artificial lighting except for lighting that is needed to meet Transport Canada or other regulatory requirements.
- 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- and large-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.
- 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 Facilities for the assessment of wind energy resources (test towers) may be erected for the life of the wind energy project. Otherwise, they shall be removed within one year of inactivity.
- 5.1.18 If a small- or large-scale wind turbine or wind energy project discontinues power production for 12 continuous months the operator shall provide the Municipality with a status report identifying future plans for the site.
- 5.1.19 In accordance with the decommissioning plan, all above ground components of the large-scale wind turbine or the wind energy project, including all buildings and storage facilities, wind turbines wind testing facilities and above ground accessory infrastructure (such as overhead transmission lines and substation) shall be removed from the site (unless, in the opinion of the Development Officer, it can reasonably be established that there is another probable near term future use for any of the said components) and the applicable surface site areas, except for roads, shall be restored to a reasonable natural state within 18 months of the time at which the wind turbines cease to produce power continuously for a period of 6 months or, in a case where construction of the large scale wind turbine or wind power project is not completed, the time at which the development of the wind power project ceases.

Permit Application Requirements

- 5.1.20 In addition to all information normally required for development permit applications, applications for development permits for small- or large-scale wind turbines shall be accompanied by the following information:
- (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;
 - (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) a decommissioning plan; and
 - (g) for large-scale wind turbines, evidence of an agreement enabling the connection of the turbine(s) to the provincial electricity grid.
- 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;
 - (e) all required setbacks and separation distances; and
 - (f) the Wind Turbine Restricted Overlay.
- 5.1.22 The Municipality shall notify all property owners directly bordering the wind energy project site upon issuance of a development permit.






5.2 Domestic-scale Wind Turbines

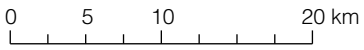
- 5.2.1 Domestic-scale wind turbines shall be permitted as an accessory use in all zones. Domestic-scale wind turbines shall be permitted as a main use in the same zones and subject to the same requirements as small-scale wind turbines.
- 5.2.2 Accessory domestic-scale wind turbines shall meet the following requirements:
- (a) The minimum separation distance from property lines shall be 1.5 times the height of the turbine.
 - (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.
- 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.

5.3 Solar Collectors

- 5.3.1 Solar collector systems shall be permitted as an accessory use in all zones.
- 5.3.2 Solar collector systems shall be permitted as a main use in the Rural Resource (**Rsrc**) Zone, Agriculture (AG) Zone, Rural Industrial (**IRur**) Zone, Wellfield 3B (W3B) Zone, and Commercial Recreation (**CRec**) Zone. Solar collector systems developed as a main use shall meet the zone requirements for main buildings.
- 5.3.3 Solar collector systems may be mounted as free-standing structures or on buildings.
- 5.3.4 Solar collector systems mounted on buildings may exceed the maximum building height in the zone by up to 2 metres.
- 5.3.5 Solar collector systems installed as free-standing structures in the Agriculture (AG) Zone shall be mounted on helical piles or on ballasted foundations resting on the surface of the ground.

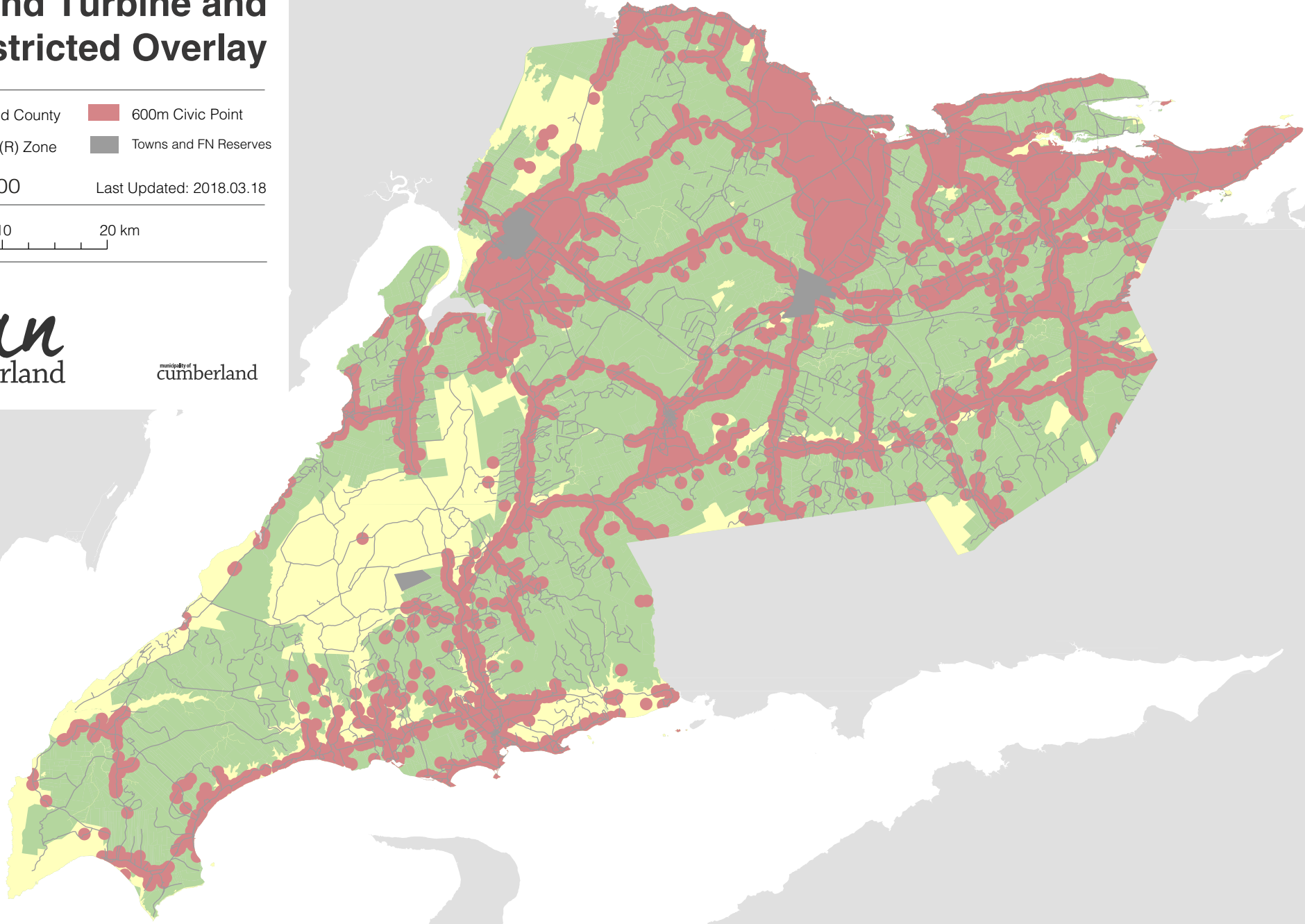
Schedule F: Wind Turbine and Restricted Overlay

 Cumberland County  600m Civic Point
 Restricted (R) Zone  Towns and FN Reserves
 1:500,000 Last Updated: 2018.03.18



plan
cumberland

municipality of
cumberland



Disclaimer: This map is a graphical approximation only and should not be used for legal purposes or to calculate exact dimensions. The 600 metre civic point buffer depicted on this map is intended to illustrate a 600m separation distance from residences; however it does not necessarily reflect distances from true and current residences.