



Municipality of the District of Shelburne

Land Use Bylaw L-101

September 2015

Contents

1	Title and Purpose	4
2	Definitions.....	5
3	Administration	9
	No Development Permit Required.....	9
	Decision in Writing.....	10
	Application for a Development Permit.....	10
	Signature of Applicant	12
	Application Fee.....	13
	Deviations	13
	Right of Entry	13
	Issuance of Development Permits.....	13
	Effective Date	13
4	Zones and Zoning Maps.....	14
	Zones Symbol	14
	Zoning map	14
5	General Provisions for Wind Turbines	15
6	General Development Zone	16
	Permitted Uses	16
	Mini Scale Wind Turbine Development (10 kW or less)	16
	Small Scale Wind Turbine Development (>10 - 100 kW)	16
	Community Scale Wind Turbine Development (>100 kW to 2 MW)	16
	Utility Scale Wind Turbine Development (>2MW)	17
	Required Separation Distances and Setbacks for Wind Turbine Development in the GD Zone	17
	Waiver of Separation Distances for Wind Turbine Developments in the GD Zone	18
7	Special Areas Zone	19
	Permitted Uses	19
	Mini Scale Wind Turbine Development (10 kW or less)	19
	Small Scale Wind Turbine Development (>10 kW to 100 kW).....	19
	Community Scale Wind Turbine Development (>100 kW to 2 MW)	19
	Utility Scale Wind Turbine Development (>2 MW)	20
	Required Separation Distances and Setbacks for Wind Turbine Development in the SA	

	Zone	20
	Waiver of Separation Distances for Wind Turbine Developments in the SA Zone	20
8	Watershed Zone	21
	Accessory Buildings	21

1 Title and Purpose

- 1.1 This Bylaw shall be known as the Land Use Bylaw for the Municipality of the District of Shelburne and shall apply to all lands within the municipal boundaries.
- 1.2 The purpose of this Bylaw is to carry out the land use development policies found in the Municipal Planning Strategy in accordance with the provisions of the *Municipal Government Act*.
- 1.3 This Bylaw does not exempt any person from complying with other bylaws or regulations in force within the Municipality, including the existing secondary planning strategies, or from obtaining any license, permission, permit, authority or approval required thereunder.
- 1.4 Where any provisions of this Bylaw conflict with those of any other Municipal regulation, bylaw or code, the more stringent requirement shall prevail.

2 Definitions

In this Bylaw, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular; and the word shall is mandatory and not permissive. All other words carry their customary meaning except for those as defined in this Section.

- 2.1 **accessory building** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use, but does not include a building attached in any way to the main building, or a building located completely underground.
- 2.2 **accessory use** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
- 2.3 **agricultural use** means the utilizing of land, buildings or structures to raise crops or animals or fowl and includes the harbouring or keeping of any one or more of the following livestock, regardless of its breed or stage of development: horse, pony, pig, cow, bull, goose, duck, hen, rooster, sheep, goat or similar livestock.
- 2.4 **array** means two or more wind turbines that are located on the same lot.
- 2.5 **building** means a structure, whether permanent or temporary, which is roofed and which is used for the shelter or accommodation of persons, animals, materials or equipment and includes all additions, porches and decks attached thereto.
- 2.6 **building line** means any line regulating the position of a building or structure on a lot.
- 2.7 **Council** means the Council of the Municipality of the District of Shelburne.
- 2.8 **development** means any erection, construction, alteration, replacement or relocation of or addition to any building or structure and any change or alteration in the use made of land, buildings or structures.
- 2.9 **Development Officer** means the officer of the Municipality of the District of Shelburne from time to time charged by the Municipality with the duty of administering the provisions of this Bylaw.
- 2.10 **erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 2.11 **existing** means existing as of the effective date of this By-law.

- 2.12 **fish and food processing** means the process where any fish or food materials or product is prepared or processed including cleaning, skinning, gutting, shucking, icing, freezing, heating or cooking and shall include all handling, packaging and shipping relating to any of these activities.
- 2.13 **fish reduction plant** means a building or part of a building where fish offal, whole or part of fish or any combination thereof is rendered into fish meal, fertilizer, a slurry, oil or any other product or by-product and includes the composting of any fish product or by-product.
- 2.14 **habitable dwelling** means structures designed to accommodate people including residential, cottages and cabins, but not including accessory structures such as sheds and storage areas.
- 2.15 **intensive livestock** means an Agricultural Use where the total number of Animal Units exceeds the limits as specified in Part 8.32 of this By-law.
- 2.16 **kilowatt or (kW)** means a measure of power for electrical current.
- 2.17 **lot** means any parcel of land described in a deed as a lot or as shown as an approved lot on a registered plan of subdivision.
- a. **corner lot** means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.
 - b. **interior lot** means a lot situated between two lots and having access to one street.
 - c. **through lot** means a lot bounded on two opposite sides by streets or highway provided, however, that if any lot qualifies as being both a corner lot and through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.
- 2.18 **lot area** means the total horizontal area within the lot lines of a lot.
- 2.19 **lot frontage** means the length of a line joining the side lot lines and parallel to the front lot line.
- 2.20 **lot line** means a boundary line of a lot.
- a. **front lot line** means the line dividing the lot from the street; in the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length, the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line.

- b. **rear lot line** means the lot line furthest from or opposite to the front lot line.
 - c. **side lot line** means a lot line other than a front or rear lot line.
 - d. **flanking lot line** means a side lot line which abuts the street on a corner lot.
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- 2.21 **Megawatt or (MW)** means a measure of power for electrical current.
 - 2.22 **Municipality** means the District of Shelburne.
 - 2.23 **Municipal Government Act** means An Act Respecting Municipal Government, Chapter 18 of the Statutes of Nova Scotia, 1998.
 - 2.24 **nameplate capacity** means the manufacturer's maximum rated output of the electrical generator found in the nacelle of the wind turbine.
 - 2.25 **owner** means a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or control of any land or building in the event of the absence or disability of the person having the title thereof.
 - 2.26 **public road** means the whole and entire right-of-way of every highway, road, or road allowance vested in either the Province of Nova Scotia or the District of Shelburne.
 - 2.27 **separation distance** means the distance measured from the base of the wind turbine tower to any specified building, structure, road or natural feature.
 - 2.28 **setback** means the distance measured from the base of the wind turbine tower to the property line.
 - 2.29 **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. A structure shall include buildings, walls and signs and also fences exceeding six (6) feet in height.
 - 2.30 **use** means the purpose for which any land, building or structure is utilized, and also means the purpose for which any land, building or structure is designed, arranged, or intended, or the purpose for which any land, building or structure is occupied or maintained or leased.
 - 2.31 **watercourse** means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water, and the water therein, including ground water, within the jurisdiction of the Province, whether it contains water or not.
 - 2.32 **Water Utility** means the Town of Shelburne Water Utility or Hayden Lake Water Utility.

2.33 **wind turbine** means a structure 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, rotor blades and nacelle:

- i) "mini scale wind turbine development" means a wind turbine or array of wind turbines that have a total power generation nameplate capacity of 10 kW or less;
- ii) "small scale wind turbine development" means a wind turbine or array of wind turbines that have a total power generation nameplate capacity greater than 10 kW and no greater than 100 kW;
- iii) "community scale wind turbine development" means a wind turbine or array of wind turbines that have a total power generation nameplate capacity greater than 100 kW and no greater than 2 MW; and
- iv) "utility scale wind turbine development" means a wind turbine or array of wind turbines that have a total power generation nameplate capacity greater than 2 MW.

2.34 **wind turbine height** means the height from grade to the highest vertical extension of a wind turbine at the top of the rotor's arc.

3 Administration

Administration

3.1 The Development Officer shall administer this Bylaw.

Development Permit

3.2

- i) Unless otherwise stated in this Bylaw, no person shall undertake or cause or permit to be undertaken, a wind turbine development on a lot within the District of Shelburne without first obtaining a development permit from the Development Officer.
- ii) Unless otherwise stated in this Bylaw, no person shall undertake or cause or permit to be undertaken, a development on a lot within the Rodney Lake Watershed Area or Hayden Lake Watershed Area without first obtaining a development permit from the Development Officer.
- iii) The Development Officer shall only issue a development permit in conformance with this Bylaw, a site plan approved in conformance with this Bylaw, or an approved development agreement, 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.
- iv) Unless otherwise stated on the development permit, a development permit shall expire within 12 months from the date issued if the development has not commenced.
- v) If following the issuance of a development permit, new or corrected information respecting the permit application is brought to the attention of the Development Officer, the Development Officer may revoke the development permit.

No Development Permit Required

3.3 No development permit shall be required where:

- a. the development undertaken involves an interior or exterior renovation which will not change the shape of the building, add more units to the building, or involve a change in use of the building;
- b. a fence is proposed which does not exceed 1.8 meters (6 feet) in height;
- c. a sign less than .46 square metres (5 square feet) in area;

- d. a temporary building or structure is to be erected for a period not exceeding sixty (60) days pursuant to Part 8.27.

Decision in Writing

- 3.4 Any decision of the Development Officer to refuse the issuance of a development permit or to revoke a development permit shall be served personally, by mailing it to the person at the latest address shown on the assessment roll, by electronic mail or by facsimile.
- 3.5 A notice, decision or other document is deemed to have been served on the third day after it was sent.

Application for a Development Permit

- 3.6 Every application for a development permit shall be accompanied by a sketch or plan, in duplicate, drawn to an appropriate scale and showing:
 - a. the shape and dimensions of the lot to be used;
 - b. the proposed location, including the distance from the lot boundaries, dimensions and height of any building or structure proposed to be constructed;
 - c. the distance from the lot boundaries, dimensions and height of every building or structure already constructed, or partly constructed, on the lot;
 - d. the distance from every building or structure already constructed, partly constructed or proposed to be constructed on the lot to every habitable dwelling on abutting lots;
 - e. the proposed location and dimension of any parking spaces, loading spaces, driveways and landscaped areas;
 - f. in the case of a wind turbine development, the turbine manufacturer's information and Canadian Safety Association certification;
 - g. any other information as may be necessary to determine whether or not the proposed development conforms with the requirements of the bylaw.
- 3.7 Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw, the Development Officer may require that the plans submitted under clause 3.6 be based upon a survey certified and stamped by a Nova Scotia Land Surveyor.
- 3.8 Every application for a development permit for any wind turbine development with a total nameplate generating capacity greater than 50 kW shall also be accompanied by:
 - a. A professional engineer's design and approval of turbine base(s); and
 - b. Project definition, including installed turbine(s) capacity, targeted long term production levels, scale elevations or photos of turbines showing total height, tower height, rotor diameter and colour.
- 3.9 Every application for a development permit for any community scale wind turbine development shall also be accompanied by:

- a. Evidence of public engagement and consultation, including at least one public meeting, and evidence that information on the proposed development has been provided to owners and tenants of all properties within 1000 metres of the proposed development, as measured from the property line.
- 3.10 Every application for a development permit for any utility scale wind turbine development shall also be accompanied by:
- a. Evidence of public engagement and consultation, including at least one public meeting, and evidence that information on the proposed development has been provided to owners and tenants of all properties within 1000 metres of the proposed development, as measured from the property line; and
 - b. A study or studies completed by a qualified professional or team of professionals including the following:
 - i. A noise impact assessment including:
 - 1. Expected levels of all potential noise sources associated with the construction and operation of the wind power project, including wind turbines, traffic movements and substations;
 - 2. The duration of expected noise exposure to adjacent properties and, in particular, at any habitable dwelling within 1000 metres of the proposed development.
 - 3. The decibel ratings for all equipment related to the wind development project.
 - 4. A description of the extent to which these noise emissions can be reduced and contained to minimize effects upon the wider locality and nearby residences, including potential future development and any habitable dwelling within 1000 metres of the proposed development.
 - 5. Discussion of the methods to be used to monitor noise levels throughout the life of the development and, in particular, at any habitable dwelling within any required separation distance.
 - 6. Evidence the turbines are located such that collapse, blade throw or ice throw cannot affect adjacent properties and, in particular, any habitable dwelling within any required separation distance.
 - ii. A visual impact assessment including analysis of:
 - 1. the various perspectives of the 'visual user' groups represented in the local community;
 - 2. the degree to which turbines modify landscapes;

3. the visibility of the proposal from public viewpoints and habitable dwellings; and
 4. the proximity to sites of significance, such as conservation areas and national parks, and the provincial and community significance of the landscape in question.
- 3.11 Every application for a development permit for any community scale wind turbine development within in the Special Areas Zone shall also be accompanied by:
 - a. Evidence of public engagement and consultation, including at least one public meeting, and evidence that information on the proposed development has been provided to owners and tenants of all properties within 1000 metres of the proposed development, as measured from the property line; and
 - b. A study completed by a qualified professional or team of professionals including the following:
 - i. A visual impact assessment including analysis of:
 1. the various perspectives of the 'visual user' groups represented in the local community;
 2. the degree to which turbines modify landscapes;
 3. the visibility of the proposal from public viewpoints and habitable dwellings; and
 4. the proximity to sites of significance such as conservation areas and national parks, and the provincial and community significance of the landscape in question.
- 3.12 The Nova Scotia Department of Natural Resources Regional Biologist and/or Wildlife Division will be notified of wind turbine development applications to consider significant habitats and species at risk.
- 3.13 The Department of National Defense will be notified of wind turbine development applications.

Signature of Applicant

- 3.14 The application for a development permit shall be signed by the registered owner of the lot or by the owner's agent duly authorized in writing to act for the owner.

Application Fee

- 3.15 Every application for a development permit or a bylaw 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.

Deviations

- 3.16 No developer shall deviate, or allow deviations to be made, from the description of the proposed development, which is contained in the development permit.

Right of Entry

- 3.17 The Council, or any of its duly authorized officers or employees, shall have the right to enter at all reasonable times into or upon any property within the area to which this Land Use Bylaw applies for the purpose of any inspection necessary in connection with the administration of the Land Use Bylaw.

Issuance of Development Permits

- 3.18 No development permit shall be issued by the Development Officer unless:
- a. the proposed development is in conformance with the requirements of this Land Use Bylaw; or
 - b. the Development Officer has granted a variance from the terms of this By-law, pursuant to Section 235 of the Municipal Government Act, and the time for appeal has elapsed or the appeal has been disposed of, pursuant to Sections 237 of the Municipal Government Act.

Effective Date

- 3.19 Pursuant to the Municipal Government Act, this Bylaw shall take effect upon the date of publication of the notice advertising the new Bylaw or amendment.

4 Zones and Zoning Maps

- 4.1 For the purposes of this Bylaw, the Municipality is divided into the following zones, the boundaries of which are shown on the attached map (Schedule A). Such zones may be referred to by the corresponding symbols shown below.

Zones Symbol

General Development Zone – GD

Watershed Zone - W

Special Areas Zone - SA

Zoning map

- 4.2 Schedule 'A' is the Zoning Map and forms part of this Bylaw.

5 General Provisions for Wind Turbines

- 5.1 All wind turbine development in the GD zone shall meet the following criteria:
- i) A wind turbine shall be finished in a non-reflective matte and in a solid light colour (unless otherwise required to conform to Transport Canada regulations for aviation safety);
 - ii) A wind turbine tower shall not contain any commercial advertising. The hub or nacelle may display only the manufacturer's name or logo. Site signs shall be limited to those which identify the wind power facility, locate access points and provide safety information;
 - iii) A wind turbine shall not be provided with artificial lighting except for lighting that is required to meet federal or provincial regulations;
 - iv) All power lines on the site of the wind turbine to the substation or grid will be underground;
 - v) Any climbing apparatus associated with the wind turbine shall be a minimum of 3.5 metres above grade;
 - vi) Any guy wires associated with a wind turbine must be clearly visible to a height of 2 metres above the guy wire anchor lines;
 - vii) All structures associated with the wind turbine, including guy wire anchors, shall be setback no less than 3 metres from the property line; and
 - viii) The rotor clearance shall be a minimum of 8 metres from grade.

6 General Development Zone

Permitted Uses

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

Mini Scale Wind Turbine Development (10 kW or less)

- 6.2 Mini scale wind turbine development shall be considered to be a wind turbine or array of wind turbines with a total nameplate capacity of 10 kW or less.
- 6.3 Mini scale wind turbine development shall be permitted in the GD Zone, subject to the separation distance and setback requirements presented in clause 6.14.
- 6.4 Mini scale wind turbine development shall be subject to obtaining a development permit.

Small Scale Wind Turbine Development (>10 - 100 kW)

- 6.5 Small scale wind turbine development shall be considered to be a wind turbine or array of wind turbines with a total nameplate capacity of 10 kW to 100 kW.
- 6.6 Small scale wind turbine development shall be permitted in the GD Zone, subject to the separation distance and setback requirements presented in clause 6.14.
- 6.7 Small scale wind turbine development shall be subject to obtaining a development permit.

Community Scale Wind Turbine Development (>100 kW to 2 MW)

- 6.8 Community scale wind turbine development shall be considered to be a wind turbine or array of wind turbines with a total nameplate capacity of 100 kW to 2MW.
- 6.9 Community scale wind turbine development shall be permitted in the GD Zone, subject to the following requirements:
- i) The development complies with the separation distance and setback requirements presented in clause 6.14; and
 - ii) Evidence has been provided of public engagement and consultation, including at least one public meeting.
- 6.10 Community scale wind turbine development shall be subject to obtaining a development permit.

Utility Scale Wind Turbine Development (>2MW)

- 6.11 A utility scale wind turbine development shall be considered to be a wind turbine or array of wind turbines with a total nameplate capacity greater than 2MW.
- 6.12 Utility scale wind turbine development shall be permitted in the GD Zone, subject to the following requirements:
- i) The development complies with the separation distance and setback requirements presented in clause 6.14;
 - ii) Evidence has been provided of public engagement and consultation, including at least one public meeting, and evidence that information on the proposed development has been provided to owners and tenants of all properties within 1000 metres, as measured from the property line;
 - iii) A study or studies have been completed by a qualified professional or team of professionals showing that the proposed wind turbine development will:
 - (a) Not result in noise levels at the location of any habitable dwellings in excess of 40 dBA at any time during operation of the wind turbines;
 - (b) Not expose adjacent properties, particularly habitable dwellings, to risk of collapse, blade throw or ice throw; and
 - (c) Not dominate the view from any habitable dwelling within 1000 metres of the proposed development.
- 6.13 Utility scale wind turbine development shall be subject to obtaining a development permit.

Required Separation Distances and Setbacks for Wind Turbine Development in the GD Zone

- 6.14 Wind turbine developments in the GD Zone shall be subject to the following separation distance and setback requirements, according to the scale of the development:

GD Zone Requirements	Mini Scale Turbines	Small Scale Turbines	Community Scale Turbines	Utility Scale Turbines
Separation distance from habitable dwelling	2 x the wind turbine height	Minimum 350 metres	Minimum 500 metres*	Minimum 500 metres*
Setback from property line (including all structures, guy wires and anchors)	1 x the wind turbine height	1 x the wind turbine height	1 x the wind turbine height	1 x the wind turbine height
Setback from public road	1 x the wind turbine height	1 x the wind turbine height	220 metres	220 metres

**Note that this separation distance is a minimum, and a larger distance may be required by the Nova Scotia Department of Energy and the Minister of Environment as a result of the Provincial COMFIT Policy and Environmental Assessment process.*

Waiver of Separation Distances for Wind Turbine Developments in the GD Zone

- 6.15 The separation distance requirements for wind turbine developments shall be waived provided any one of the following conditions are met:
- i) the wind turbine or turbines are located on the same property as the habitable dwelling and no other habitable dwellings are within the required separation distance; or
 - ii) written consent is obtained from all owners of habitable dwellings located within the required separation distance.

7 Special Areas Zone

Permitted Uses

- 7.1 All developments are permitted in the Special Areas (SA) Zone, except for utility scale wind turbine development.

Mini Scale Wind Turbine Development (10 kW or less)

- 7.2 Mini scale wind turbine development shall be considered to be a wind turbine or array of wind turbines with a total nameplate capacity of 10 kW or less.
- 7.3 Mini scale wind turbine development shall be permitted in the GD Zone, subject to the separation distance and setback requirements presented in clause 7.13.
- 7.4 Mini scale wind turbine development shall be subject to obtaining a development permit.

Small Scale Wind Turbine Development (>10 kW to 100 kW)

- 7.5 Small scale wind turbine development shall be considered to be a wind turbine or array of wind turbines with a total nameplate capacity of 100 kW or less.
- 7.6 Small scale wind turbine development shall be permitted in the SA Zone, subject to the separation distance and setback requirements presented in clause 7.13.
- 7.7 Small scale wind turbine development in the SA Zone shall be subject to obtaining a development permit.

Community Scale Wind Turbine Development (>100 kW to 2 MW)

- 7.8 Community scale wind turbine development shall be considered to be a wind turbine or array of wind turbines with a total nameplate capacity of 100 kW to 2MW.
- 7.9 Community scale wind turbine development shall be permitted in the SA Zone, subject to the following requirements
- i) The development complies with the separation distance and setback requirements presented in clause 7.13;
 - ii) Evidence has been provided of public engagement and consultation, including at least one public meeting; and

- iii) A study or studies have been completed by a qualified professionals or team of professionals showing that the proposed wind turbine development will not dominate the view from the Town of Shelburne's Historic District.

- 7.10 Community scale wind turbine development in the SA Zone shall be subject to obtaining a development permit.

Utility Scale Wind Turbine Development (>2 MW)

- 7.11 A utility scale wind turbine development shall be considered to be a wind turbine or array of wind turbines with a total nameplate capacity of greater than 2MW.

- 7.12 Utility scale wind turbine development is prohibited in the SA Zone.

Required Separation Distances and Setbacks for Wind Turbine Development in the SA Zone

- 7.13 Wind turbine developments in the SA Zone shall be subject to the following separation distance and setback requirements, according to the scale of the development:

SA Zone Requirements	Mini Scale Turbines	Small Scale Turbines	Community Scale Turbines	Utility Scale Turbines
Separation distance from habitable dwelling	2 x the wind turbine height	Minimum 350 metres	Minimum 500 metres*	NA (Not permitted)
Setback from property line (including all structures, guy wires and anchors)	1 x the wind turbine height	1 x the wind turbine height	1 x the wind turbine height	NA (Not permitted)
Setback from public road	1 x the wind turbine height	1 x the wind turbine height	220 metres	NA (Not permitted)

**Note that this separation distance is a minimum, and a larger distance may be required by the Nova Scotia Department of Energy and the Minister of Environment as a result of the Provincial COMFIT Policy and Environmental Assessment process.*

Waiver of Separation Distances for Wind Turbine Developments in the SA Zone

- 7.14 The separation distance requirements for wind turbine developments shall be waived, provided any one of the following conditions are met:
- i) the wind turbine or turbines are located on the same property as the habitable dwelling and no other habitable dwellings are within the required separation distance; or
 - ii) written consent is obtained from all owners of habitable dwellings located within the required separation distance.

8 Watershed Zone

Accessory Buildings

- 8.1 Accessory buildings and structures shall be permitted and may be used only as an accessory use to the permitted main building, but it shall not:
- i) be used for human habitation;
 - ii) be located within the required front or side yard of a lot;
 - iii) in the case of a corner lot, be located within the flanking yard of a lot;
 - iv) be built closer than .6 meters (2 feet) from a lot line;
 - v) when used for the keeping of farm animals, be built closer than 7.6 meters (25 feet) from a lot line;
 - vi) exceed 4.6 meters (15 feet) in height; and
 - vii) exceed 79 square meters (850 square feet) in area.
- 8.2 No accessory building or structure shall be constructed:
- i) prior to the time of construction of the main building to which it is an accessory; or
 - ii) prior to the establishment of the main use of the land, where no main building is to be built.

Accessory Uses Permitted

- 8.3 Where this Bylaw provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose shall include any accessory use.

Altering of Land Levels

- 8.4 Land levels within 61 metres (200 feet) of a watercourse or waterbody shall not be altered. This provision shall not preclude the selective cutting of trees or the construction of access roads above the 15-metre contour line, subject to verification by topographic survey.

Buildings to be Erected on a Lot

- 8.5 No person shall erect or use any building unless it is erected upon a single lot.

Buildings to be Moved

- 8.6 No person shall move any building within or into the Rodney Lake Watershed Area or Hayden Lake Watershed Area without first obtaining a development permit.

Calculation of Lot Frontage

8.7 The following means shall be used for the purposes of determining lot frontage:

- i) in the case of regularly shaped lots, lot frontage shall be measured as a straight line between the points where the two (2) side lot lines meet the front lot line;
- ii) in the case of irregularly shaped lots, lot frontage shall be measured as the distance between the side lot lines, drawn at a 90-degree angle from a line drawn from the mid point of the rear lot line to the mid point of the front lot line, and at a point equal to the required front yard.

Compliance with Other Requirements

8.8 Nothing in this Bylaw shall exempt any person from complying with the requirements of any other Bylaw in force within the Municipality or from obtaining any license, permission, permit, authority or approval required in any other Bylaw of the District of Shelburne. Where the provisions of this Bylaw conflict with those of any other municipal or provincial requirements, the higher or more stringent requirements shall prevail.

Driveway Access

8.9 A through lot shall have one driveway access only.

8.10 A driveway access to a public road or street shall be a minimum of 15 metres (50 feet) from any street intersection;

8.11 A driveway access shall be a minimum of 3 metres (10 feet) and a maximum of 9 metres (30 feet) wide.

Exemption from Height Regulations

8.12 The height regulations of this Bylaw shall not apply to water reservoirs, flagpoles, monuments, television or radio antennae, telecommunication towers, barns or chimneys.

Existing Buildings

8.13 The use of any building erected on or before the effective date of this Bylaw may be changed to a use permitted in the zone even though the lot frontage, front yard or lot area, or all of these, is less than the zone requirements as established in this Bylaw, provided that all other applicable provisions of this Bylaw are satisfied.

Existing Buildings with Non-Conforming Yards

8.14 Any building erected on or before the effective date of this Bylaw which is not in conformance with the zone requirements as established in this Bylaw, may be enlarged, renovated, reconstructed or repaired, provided that such enlargement, renovation, reconstruction or repair does not further reduce or impair the required zone requirements and provided that all other applicable provisions of this Bylaw are satisfied.

Existing Undersized Lots

- 8.15 Notwithstanding anything else in this Bylaw, a lot which existed on or before the effective date of this Bylaw and which had less than the minimum frontage or area required by this Bylaw, may be used for a purpose permitted in the zone in which the lot is located, and a building may be erected on the lot, provided that all other applicable provisions of this Bylaw are satisfied.
- 8.16 An existing undersized lot which is increased in area or frontage or both, but remains undersized, is still considered an existing undersized lot for the purposes of this section.

Frontage on a Street

- 8.17 No development permit shall be issued unless the lot intended to be used, or upon which a building or structure is to be erected, abuts and fronts upon a public street or road.

Government Uses

- 8.18 Any government (federal, provincial or municipal) owned building or facility shall be permitted in any zone, provided that such use conforms to the standards of the Watershed (W) Zone.

Multiple Uses

- 8.19 In any zone, where any land or building is used for more than one purpose, all provisions of the Bylaw relating to each use shall be satisfied. Where there is a conflict, such as in the case of lot size or frontage, the standards that apply to the most prominent use shall prevail.

Nonconforming Uses

- 8.20 Any use of land or building or structure constructed, or being constructed, on or before the effective date of this Bylaw that does not conform to the requirements of this Bylaw, shall be subject to the provisions of the Municipal Government Act respecting nonconforming uses and structures.

One Main Building on a Lot

- 8.21 Except for permitted agricultural and Water Utility uses, no more than one main building shall be erected on a lot.

Reduced Lot Requirements

- 8.22 Notwithstanding anything else in this Bylaw, a lot approved in accordance with the Subdivision Bylaw and having less than the minimum lot area or frontage required by this Bylaw, may be used for a purpose permitted in the zone in which it is located and a building may be erected, provided all other applicable provisions of this Bylaw are satisfied.

Restoration to a Safe Condition

- 8.23 Nothing in this Bylaw shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of non-conforming use, relevant provisions of the Municipal Government Act shall apply.

Setback for Flanking Yard

- 8.24 Notwithstanding anything else in this By-law, on a corner lot in any zone, the minimum yard requirement for the flanking yard shall be the same as that required for the front yard.

- 8.25 No accessory building or structure shall be permitted within the required flanking yard.

Setbacks from Watercourses and Waterbodies

- 8.26 All buildings shall be setback a minimum of 61 metres (200 feet) from the nearest watercourse or waterbody.

Temporary Uses Permitted

- 8.27 Nothing in this Bylaw shall prevent the temporary use of a building or structure incidental to a main construction project, provided that a development permit has been issued for the main construction project and the use is discontinued and removed within sixty (60) days following completion of the project.
- 8.28 Nothing in this Bylaw shall prevent uses erected for special occasions and holidays, provided only that no such use remains in place more than fourteen consecutive days.

Truck, Bus and Coach Bodies

- 8.29 No truck, trailer, bus, recreational vehicle, camper or coach body or similar structure not originally designed for permanent housing purposes, shall be used for human habitation within the Watershed Zone.

Variance

- 8.30 Notwithstanding the general requirements set out for each zone in this Bylaw, the development officer may grant a variance from the minimum lot area and frontage, the minimum size or other requirements relating to yards, and the area of land that may be built upon, provided there is no intentional disregard for this Bylaw or for the intent of the Bylaw and the difficulty is not general to the area, in accordance with the provisions of the Municipal Government Act.
- 8.31 Where a variance is granted or refused, the appeal and the notice provisions of the Municipal Government Act shall be complied with and the applicant shall pay to the Clerk the costs of notifying affected landowners.

Watershed Zone Uses Permitted

8.32 No development permit shall be issued for development in the Watershed (W) Zone except for one or more of the following uses:

- i) Agricultural uses (excluding intensive livestock operations);
- ii) Forestry uses (excluding processing operations); and
- iii) Water Utility uses.

Intensive livestock operations shall be considered those where more than the equivalent of one animal unit are kept on a lot. One (1) animal unit means one or more farm animals or combination of farm animals as specified in the following Table 8.1:

**Table 8.1
Animal Unit Equivalents**

Type of Animal	Number equal to one animal unit
Cattle	1
Horses	1
Goats	1
Swine	1
Fowl	3
Rabbit	3

Watershed Zone Requirements

8.33 No development permit shall be issued for Watershed (W) Zone use except in accordance with the following requirements:

- i) Minimum Lot Area 1.6 Hectares (4 acres)
- ii) Minimum Lot Frontage 76.2 Metres (250 feet)
- iii) Minimum Side Yard 7.6 Metres (25 feet)
- iv) Minimum Rear Yard 7.6 Metres (25 feet)
- v) Minimum Front Yard 7.6 Metres (25 feet)
- vi) Maximum Height 10.6 Metres (35 feet)

Date – First Reading: September 28, 2015

Date – Notice, in paper, to Public: October 12 & 19, 2015

Date – Second Reading: October 26, 2015

Adopted by the Council of the Municipality of the District of Shelburne

on the 26 day of October, 2015.

Clerk (Sign) _____

Clerk (Print) _____

Date: November 9, 2015

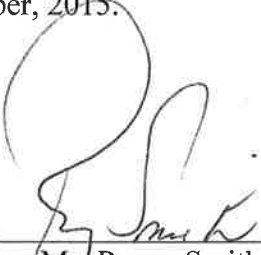
Date – mailed 1 certified copy of by-law to SNS&MR: November 9, 2015

*Date – ad of passage of by-law:

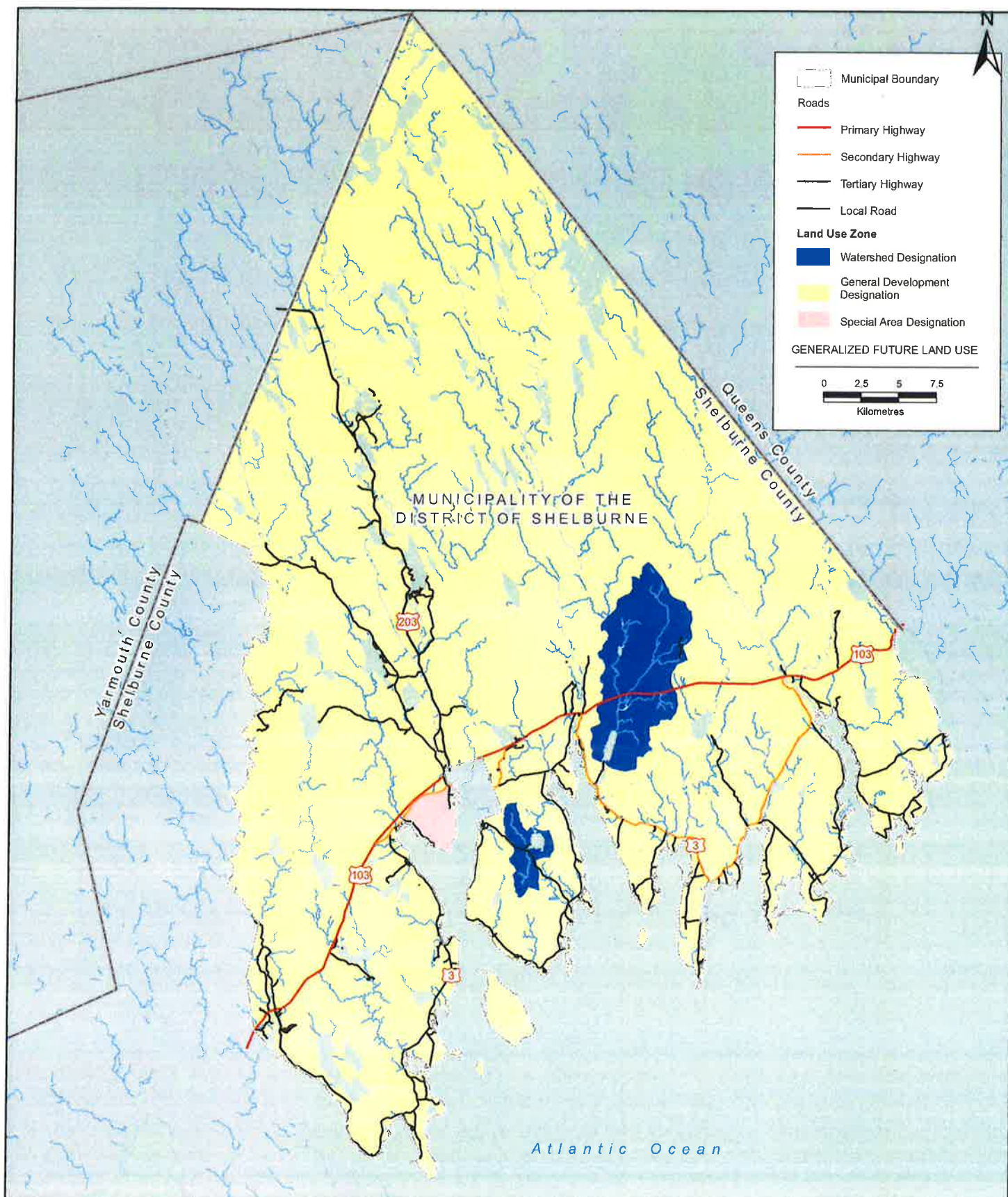
*Effective Date of by-law unless otherwise specified in the text of the by-law

THIS IS TO CERTIFY that the foregoing is a true copy of a By-Law passed at a duly convened meeting of the Council of the Municipality of the District of Shelburne, held the 26th day of October, 2015.

Given under the hand of the Clerk and under the seal of the Municipality of the District of Shelburne this 9th day of November, 2015.



Ms. Penny Smith
Municipal Clerk



DATE: June 15, 2015	Municipality of the District of Shelburne Wind Energy Development Plan Generalized Future Landuse Map	FIGURE NO: Map 1
PREPARED BY: E. Tipton		
MUNICIPALITY OF THE DISTRICT OF SHELburne		



Municipality of the District of Shelburne

Municipal Planning Strategy September 2015

1 Introduction

The Municipality of the District of Shelburne has adopted two high level planning documents which provide the framework for the policies and intent of this Municipal Planning Strategy. The Integrated Community Sustainability Plan (ICSP), adopted by Council in February 2010, establishes long term sustainability goals and strategies, with an Action Plan renewed every five years. The goals and strategies in the ICSP are categorized in 13 solution areas and implementation of this plan is broad based and incorporates all aspects of the Municipality's role in the community. The Municipal Climate Change Action Plan (MCCAP), adopted by Council in December 2013, deals specifically with planning issues related to the anticipated impacts of climate change, and again is broad-based in terms of implementation. Both the ICSP and the MCCAP have goals and strategies related to land use, and this Municipal Planning Strategy aims to express statements of intent and establish policies for land use and development in order to implement the strategies in these higher level documents. The policies defined in this Municipal Planning Strategy are based on the research and consultation results defined by the Wind Energy Development Plan (2011) and the Coastal Management Strategy (2012).

This Municipal Planning Strategy also integrates two existing single-issue Municipal Planning Strategies previously adopted by Council, which dealt specifically with land use and development in the Rodney Lake Watershed Area, and with the development of wind turbines. As such, this Municipal Planning Strategy will replace both the Rodney Lake Watershed Area Municipal Planning Strategy, adopted by Council in January 2002, and the Municipal Planning Strategy, adopted by Council in May 2011.

Specifically stated, and as enabled through the Municipal Government Act, the purpose of this Municipal Planning Strategy and the accompanying Land Use Bylaw is:

- **to establish a planning policy and regulatory framework in support of the development and management of wind energy resources within the District of Shelburne;**
- **to establish a planning policy and regulatory framework for the protection of drinking water resources, specifically municipal drinking water supplies, in the District of Shelburne; and**
- **to establish a planning policy which identifies which coastal areas are potentially vulnerable to the effects of extreme weather and climate change, as well as those where development and human activities may have the most influence on habitat and natural processes.**

To this end, the goals of this Strategy are:

- **to promote wind energy development in the District of Shelburne, with a particular focus on enabling community and small scale wind energy, while mitigating potential negative impacts of wind turbines by minimizing risks to public health and safety and the natural environment;**
- **to protect the quality of the Rodney Lake and Hayden Lake water resources through control of development within the watershed areas; and**
- **to educate and engage residents and developers in understanding the potential impacts of coastal events (such as sea level rise and storm surge) on development, and the potential impacts of development on coastal habitat and natural processes, now and in the future.**

This strategy was developed by the Planning Advisory Committee, which included members of Municipal Council as well as residents. Working with municipal staff, the Committee reviewed the existing strategies as well as the ICSP, the MCCAP and the Coastal Management Strategy (developed in 2012) in order to define the policies in this document. Public input was obtained through the representatives of the Planning Advisory Committee, as well as through a series of public consultation meetings held in April 2015 and through the formal public hearing process.

2 Context and Planning Area

The Planning Area for this Strategy includes all the land within the District of Shelburne, as shown on Map 1, the Generalized Future Land Use Map. General information on demographics, economy and environment within the District of Shelburne can be found in the ICSP.

Demographic and economic trends indicate low to moderate development pressures in the area, with some potential for wind energy development. Recent investment in servicing and marketing the industrial park area should act to focus industrial development in that area, particularly in marine and related industries, which are an important part of the District's economy. There is some potential for wind energy development in several areas of the District (refer to the Wind Energy Development Plan, 2011, for more information) but despite some investigation work by developers in 2012, there are no projects under consideration in the area at this time, with the exception of two relatively small Community Feed-In Tariff projects.

Coastal areas are subject to the greatest development pressures, primarily from residential and seasonal dwellings. The watershed areas (described in detail below) are subject to very little development pressure, regular activity or land use, with the exception of seasonal hunting.

2.1 RODNEY LAKE WATERSHED

The Rodney Lake Watershed is located on the Sandy Point peninsula and generally flanked by the communities of Shelburne, Sandy Point and Jordan Bay/Jordan Ferry. The Rodney Lake Watershed Area contains approximately 1344 hectares (3321 acres) of land, including the lake surface area of approximately 85 hectares (210 acres). A significant amount of the watershed area is swamp and permanently wet.

Most of the lands located below the 45 foot contour, especially the area south of the Lake Rodney Road, are wet and/or are subject to flooding at different times of the year. The watershed area is generally wooded and species present are consistent with the topography and wet nature of the area.

The lake and adjacent wetlands are fed by precipitation and are characterized by poorly drained soils, a high groundwater level and a relatively flat topography. Water entering into the watershed area is cleansed by environmental processes as it passes through the wetlands and drainage systems. As a result, the lake is extremely susceptible to siltation and reduced chemical and biological water quality arising from soil erosion and vegetation disturbance. The poor drainage characteristics of the soils, the area topography and the direct surface water supply all contribute to the very real challenge of maintaining the quality of the raw water within the watershed.

2.2 HAYDEN LAKE WATERSHED

The Hayden Lake Watershed contains 15870 acres of which 14205 acres are owned by the Provincial Crown. The soil within the watershed area is composed of the Mersey Series. This series consists of light brown, sandy loam over yellowish brown, sandy loam and is very stony. The topography is mainly undulating to drumloid relief. Due to the nature of this soil, it is well drained with moderately rapid internal drainage.

The Goldenville Formation consists mainly of greywacke with small amounts of conglomerate, slate and argillite. The most common rock type is a light to medium grey, medium grained, biotite greywacke. Characteristically, this rock is well bedded with beds ranging in thickness from a fraction of an inch to 20 feet.

At present, the land within the watershed boundaries is chiefly forested. Pine, spruce, maple, birch and some oak grow on these soils. Upon examination of air photos covering Hayden Lake, it is evident that there are no cottages along the lakeshore and minimal forestry operations have been conducted. With the exception of an area north of the lake, between the dirt road and Ogdens Creek, the land around the lake is heavily wooded. The open area consists of bog, exposed bedrock and scrub-type vegetation. Only one narrow, dirt road leads to the lakeshore (sandy beach) near the inlet.

Extreme stoniness of the soil in this area has prevented agricultural development. During the 1950's, exploration for beryllium was undertaken at Jordan Falls (20P 14A). All of the occurrences were small and only a few showed any continuity. Forested Mersey soils should remain so, as forest production is the most efficient use for these soils.

3 Provisions for Land Use & Development Control

This portion of the Municipal Planning Strategy details the policies of Council, which will contribute to the purpose and goals outlined above and also defines specific geographic zones to which some policies apply. Policies applicable to the General Development Zone are defined first, primarily with respect to wind energy development, and then follow the policies that define the physical location of and land use strategies for the Special Areas Zone, the Watershed Zone and the Coastal Impact Area Zone.

3.1 GENERAL DEVELOPMENT ZONE

The intent of the General Development Designation and the General Development (GD) Zone, to be set out in the District of Shelburne Land Use Bylaw, is to permit the development of all types of land uses, including wind turbines. None of the permitted uses will be subject to planning or development control regulations and no development permit will be required in the General Development Zone, except for in the development of wind turbines.

The development of wind turbines shall be subject to planning and development control regulations and a requirement for development permit, as identified in this Municipal Planning Strategy policy framework and further defined in the Land Use Bylaw.

Policy – 1

It is the policy of Council to recognize the need for a wide range of housing options for residents and as such, all types of housing developments are permitted in the General Development Zone.

3.2 WIND ENERGY DEVELOPMENT

Under the General Development Designation, there will be four scales for wind turbine development; mini scale, small scale, community scale and utility scale. Each of these types of turbines has a different permitting approach based on the scale of the wind turbine. It is the intent of Council to establish within the General Development Designation the General Development (GD) Zone, which will permit mini, small and community scale turbines as-of-right with a requirement for development permit, subject to meeting specific setback requirements. This planning approach allows and encourages wind turbine development, while still establishing minimum requirements that developers will have to meet. Setbacks are used to help mitigate the noise, visual and environmental impacts of wind turbines on neighbouring properties; however, these setbacks may be waived if all neighbouring properties within the required setback provide written consent.

It is the intention of Council to permit utility scale turbines as-of-right, subject to conditions. It is important to note in addition to this, utility scale development will also be subject to receiving provincial environmental assessment (EA) approval to proceed. Wind turbines with a rated capacity of 2 MW and up are required under the Nova Scotia Environment Act and the Environmental Assessment Regulations to receive EA

approval. An EA ensures that environmental, human health, socio-economic, cultural, historic and archaeological concerns are identified and addressed by all stakeholders to avoid or minimize impacts caused by wind energy development. The EA process provides the opportunity for government agencies, non-government organizations, First Nations, local residents and the general public to provide input and information that will be considered by the Minister of Environment when making a decision (Nova Scotia Environment, 2009).

The EA process requires the developer or proponent to develop an EA registration document identifying project description, public involvement, location, physical components, construction, operation and maintenance activities, decommissioning, valued environmental components (VECs), effects of the undertaking on the environment and the effects of the environment on the undertaking. Valued Environmental Components (VECs) are environmental, socio-economic, public health, land use and cultural and historic features that may be positively or negatively impacted by the proposed development. VEC information includes existing environmental conditions, predicted environmental effects, proposed mitigation and proposed monitoring (Nova Scotia Environment, 2009). The Minister of Environment decides whether or not the wind energy development can proceed in an environmentally sustainable manner based on environmental issues and concerns identified in the EA registration document (Nova Scotia Environment, 2009).

Policy – 2

It is the policy of Council to designate all lands within the Planning Area as “General Development” on the Future Land Use Map (Map 1).

Policy - 3

It is the policy of Council to establish a General Development (GD) Zone in the Land Use Bylaw, in which all uses shall be permitted, including wind turbines.

Policy - 4

It is the policy of Council not to require a municipal development permit for any permitted use in the General Development (GD) Zone, except for wind turbines.

Policy - 5

It is the policy of Council to identify and define mini, small, community and utility scale wind turbines in the Land Use Bylaw.

Mini Scale

Policy - 6

It is the policy of Council to generally permit mini scale wind turbine development as-of-right, subject to development control regulations and a requirement for development permit.

Small Scale

Policy - 7

It is the policy of Council to generally permit small scale wind turbine development as-of-right, subject to development control regulations and requirement for a development permit.

Small Scale

Policy - 8

It is the policy of Council to generally permit community scale wind turbine development as-of-right, subject to development control regulations and requirement for a development permit, with conditions related to public consultation.

Utility Scale

Policy – 9

It is the policy of Council to permit utility scale wind turbines in the General Development Designation, subject to development control regulations and requirement for a development permit, with conditions related to noise levels, public consultation, safety and visual intrusion.

3.2.1 Special Areas Zone

The intent of the Special Areas Designation and the Special Areas (SA) Zone, to be set out in the District of Shelburne Land Use Bylaw, is to protect key special areas in the Municipality. In undertaking public and stakeholder consultation, the Municipality has identified a key area where the development of wind turbines may result in negative impacts to areas of important cultural value. The area includes the view extending from the waterfront of the Town of Shelburne, which is an important cultural and heritage feature of the area, and is of value in depicting the history of the region. The community wishes to preserve the original view from this area. Within this area, all types of land uses will be permitted, except for wind turbines. Mini-scale and small-scale wind turbine development will be permitted subject to a development permit, and community-scale wind turbine development will be permitted, subject to a development permit with conditions. Utility-scale wind turbine development will be prohibited in this area because of the potential for significant visual impacts at this scale.

Policy – 10

It is the policy of Council to identify Special Areas as areas considered by the community of special natural or cultural value where it is anticipated the development of wind turbines will result in a significant detracting or negative impact to the value of the areas.

Policy – 11

It shall be the policy of Council to designate the view from the Town of Shelburne Historic District, as identified by the community, as a Special Area due to its' important cultural and heritage value.

Policy – 12

It is the policy of Council to designate "Special Areas" within the Planning Area on the Future Land Use Map (Map 1).

Policy – 13

It is the policy of Council to establish a Special Areas (SA) Zone in the Land Use Bylaw within which all uses are permitted, including small and community scale wind turbine developments, but excluding utility scale wind turbine developments.

Policy – 14

It is the policy of Council not to require a development permit for any permitted use in the Special Areas (SA) Zone, except for wind turbines.

Policy – 15

It is the policy of Council to permit mini scale wind turbine development in Special Areas, subject to obtaining a development permit pursuant to the SA Zone requirements.

Policy – 16

It is the policy of Council to permit small scale wind turbine development in Special Areas, subject to obtaining a development permit pursuant to the SA Zone requirements.

Policy – 17

It is the policy of Council to permit community scale wind turbine development in Special Areas subject to development control regulations and a requirement for development permit with conditions related to public consultation and visual intrusion.

Policy - 18

It is the policy of Council to prohibit utility scale wind turbine development in areas designated and zoned Special Areas.

3.2.2 Intergovernmental Affairs**Policy - 19**

It is the policy of Council that applications for a development permit may require consultation with additional experts and, in particular, representatives of the Province of Nova Scotia, and applicants shall seek guidance as necessary.

Policy – 20

It is the policy of Council to participate and encourage public participation in the Provincial Environmental Assessment approval processes for applications occurring within the Municipality.

Policy – 21

It is the policy of Council to monitor the Nova Scotia Provincial Environmental Assessment Regulations and to review the Wind Energy Municipal Plan and Land Use Bylaw upon any changes to the Environmental Assessment Regulations in order to ensure consistency.

Policy – 22

It is the policy of Council that the Department of National Defense, Nova Scotia Department of Environment and Nova Scotia Department of Natural Resources will be contacted once the Municipality has received an application for a wind energy development permit.

3.3 SOURCE WATER PROTECTION - WATERSHED ZONE

This section of the strategy defines the Watershed Zone and the permitted uses as well as the minimum development standards applicable within this zone. This section also prohibits specific uses due to the risk of pollution and/or contamination they present. The policies herein are generally intended to limit any substantial type of development within the Watershed Zone. The lands designated as part of the Watershed Zone may either permanently, seasonally or temporarily contain or transport water, and as such generally qualify as a "watercourse". The strategy does make specific provisions for uses related to the operation of the Shelburne Water Utility in that they are exempt from all minimum development standards which apply to other permitted uses. This grants the Utility significant development flexibility, but is considered necessary and appropriate given the necessity of the location of the physical plant and infrastructure and the shared interest of Council and the Utility with respect to protection of the watershed area.

Policy – 23

It is the policy of Council to protect the quality of the Rodney Lake and Hayden Lake water resources through the control of land use and development within the watershed area as set forth in this Strategy.

Policy – 24

It is the policy of Council to designate all lands located within the Rodney Lake Watershed and Hayden Lake Watershed and subject to this Strategy as Watershed, shown on Map 1, Generalized Future Land Use Map.

Policy – 25

It is the policy of Council to establish in the Land Use Bylaw the Watershed (W) **Zone**, which includes all lands located with the Rodney Lake Watershed and the Hayden Lake Watershed.

Policy – 26

It is the policy of Council to establish in the Land Use Bylaw a range of permitted uses in the Watershed (W) Zone, which are not subject to damage as a result of flooding and which limit the potential for erosion and sedimentation within the Watershed Area. Permitted uses will include agricultural activities, excluding intensive livestock operations; forestry uses, excluding processing; and activities relating to the operation of a Water Utility.

Policy – 27

It is the policy of Council, due to the physical and hydrologic characteristics and environmental sensitivity of lands zoned Watershed (W) Zone, to not consider any changes to the range of uses permitted as-of-right in the zone or to consider changes to minimum development standards within the Watershed (W) Zone.

Policy – 28

Notwithstanding Policy 26, it is the policy of Council to prohibit the alteration of elevation of lands within the Watershed (W) Zone by means of filling or grading, with the exception of construction of access roads above the 15-metre contour line, subject to verification by topographic survey.

Policy – 29

It is the policy of Council in the Watershed (W) Zone that minimum development standards shall be established which serve to protect the rural character of the area and the hydrologic processes within the Watershed Area. Minimum standards shall include, but not be restricted to:

- a. large minimum lot size;
- b. minimum set backs from watercourses;
- c. vegetative buffers adjacent to watercourses;
- d. restriction to one main building per lot;

- e. restriction on the maximum size of accessory buildings.

Policy – 30

It is the policy of Council, in addition to establishing a range of general development control provisions in the Watershed (W) Zone, to establish a minimum setback for all buildings and structures from all watercourses as a means to specifically mitigate against the potential of erosion and sedimentation.

Policy – 31

It is the policy of Council that, with the exception of all uses and activities relating to the operation of the Shelburne Water Utility, all development within the Watershed (W) Zone shall abut a public road.

Policy – 32

It is the policy of Council that, notwithstanding Policy - 25 (Permitted uses in the Watershed (W) Zone), certain uses by their nature pose too great a risk to the quality of the watershed area water resource and therefore shall be prohibited in any zone including: fish reduction plants; fish and food processing plants; automobile services stations; laundry and dry cleaning establishments; bulk oil and fuel storage facilities; ready mix concrete and asphalt paving plants; intensive livestock operations including fox and mink farms; auto repair shops; and scrap and salvage yards or any like use which has associated with it the use and/or storage of toxic materials or substances.

Policy – 33

It is the policy of Council to consider amendments to the text of the Land Use Bylaw and in considering a proposed amendment Council shall generally consider whether or not the proposed amendment conforms to the intent of this strategy, and specifically consider whether the amendment conforms to the following provisions:

- a. minimum lot size, minimum setbacks from watercourses and minimum vegetative buffers from watercourses;
- b. no negative impact or effect on any watercourse or other natural feature through erosion or sedimentation;
- c. minimal potential for detrimental affects (by way of emission of odour, dust, toxic substances, smoke or noise, or production of wastes that can contaminate soils, watercourses or water bodies).

3.4 COASTAL DEVELOPMENT

Development pressure in the District of Shelburne is highest in coastal areas, and it is recognized that these areas are also potentially vulnerable to impacts from coastal events such as sea level rise and storm surge. The Coastal Management Strategy (2012) indicates that there is a need to define a coastal impact area, not for the

purposes of land use restrictions or zoning, but as a tool for education and outreach to help residents understand which areas of the District may be most vulnerable to coastal impacts and where human activities and development may have the greatest influence on habitat and natural processes. The intent of this designation is to facilitate greater study and consideration and consultation with experts before new development is considered along the coast.

3.4.1 Coastal Impact Area

The Coastal Impact Area is not defined on the Generalized Future Land Use Map, but shall be recognized for the purposes of education and outreach on coastal impacts as:

All lands within the District of Shelburne from the Ordinary High Water Mark inland until an elevation of 5 metres or a horizontal distance of 500 metres is reached, whichever is greater.

4 Implementation & Administration

The Municipal Planning Strategy for the District of Shelburne is the policy document providing the framework by which development throughout the entire Municipality is encouraged, controlled and coordinated. The policies of the Strategy will be implemented through a variety of mechanisms, but generally through the power of Council as provided by the Municipal Government Act and other statutes that may apply.

Policy- 34

It shall be the policy of Council that all the sections of this Strategy, all appendices and all maps attached constitute the Municipal Planning Strategy and that it shall be the primary policy document providing the framework for the control of wind turbine development within the District of Shelburne.

Policy - 35

It shall be the policy of Council that the provisions of this Strategy shall be implemented through the Land Use Bylaw and that all sections, appendices and maps contained in the Bylaw shall constitute the Land Use Bylaw for the District of Shelburne.

Policy- 36

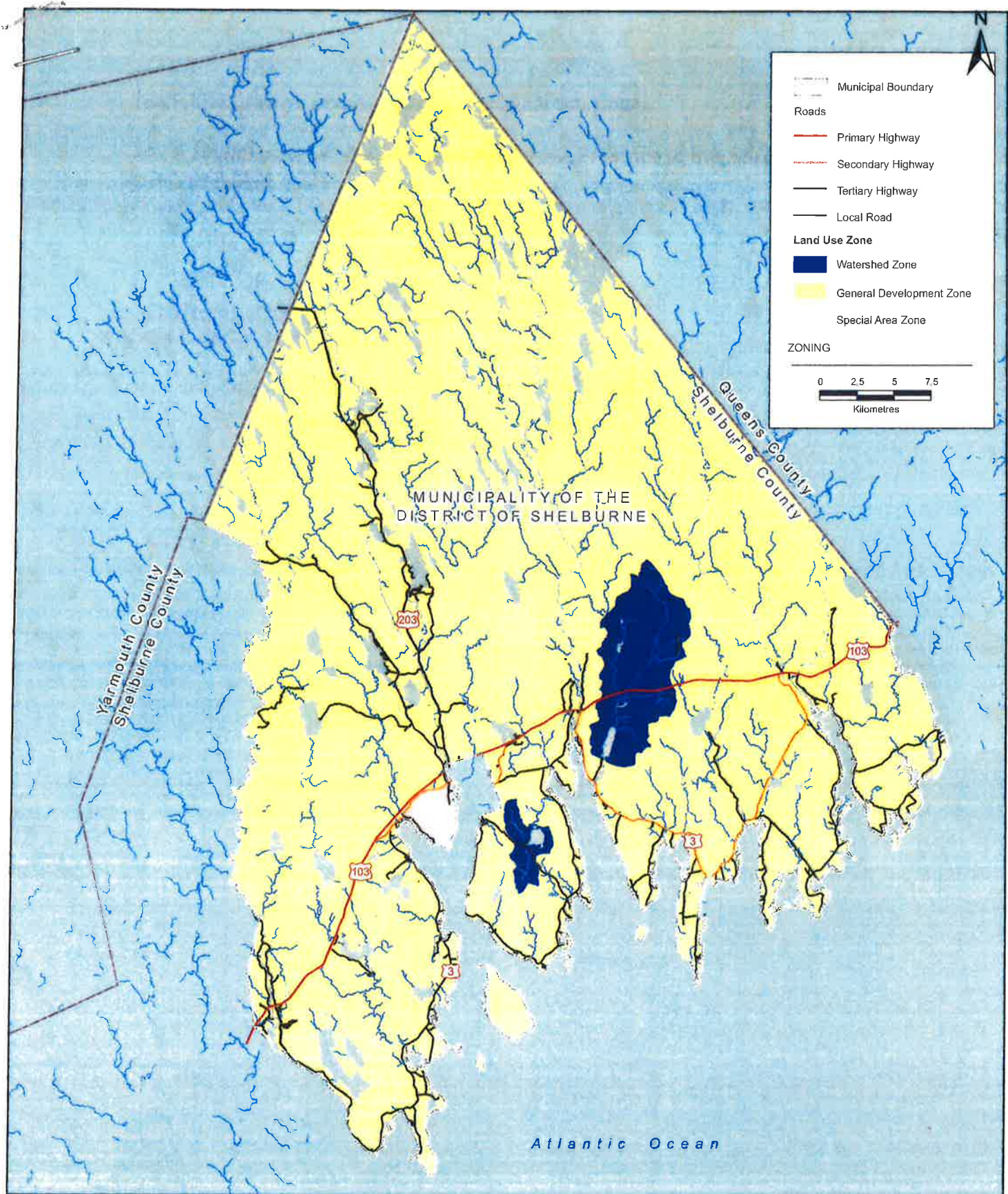
It shall be the policy of Council to designate a Development Officer to administer the Land Use Bylaw and the Development Officer shall be responsible to issue or deny applications for wind turbine development permits in accordance with the terms of the Strategy and Bylaw.

Policy- 37

It shall be the policy of Council that an amendment to this Strategy shall be reviewed where any policy is to be changed or where necessary to avoid conflict with any Statements of Provincial Interest or any other relevant Provincial statute or regulation.

Policy - 38

It shall be the policy of Council that its Planning Advisory Committee assist in monitoring development and planning processes, to assess the level of development permit activity, and to regularly review the policies set out in this strategy as technology and regulations and processes at other levels of government change.



DATE:	June 15, 2015
PREPARED BY:	E. Tipton
MUNICIPALITY OF THE DISTRICT OF SHELburne	

Municipality of the District of Shelburne Land Use Bylaw

Zoning Map

FIGURE NO:	Schedule A

