

## **By-Law to Permit the Production and Distribution of Energy from Specific Renewable and Green Energy Sources.**

### **Preamble:**

The following general principles shall guide the approval of all renewable energy installations both in the town and on property purchased by the town outside town boundaries for the installation of renewable energy devices

- 1) preservation of the historic viewsapes for resident and tourist enjoyment and appreciation of the unique historical past of the area, and
  - 2) good neighbour” policy mandates that pre existing residents have a continuing right to peaceful and aesthetic enjoyment of their properties – the latest information at the time of the approval process regarding adequate separation distances to ensure protection from potentially negative auditory, visual and physical effects shall be used.
1. For the purposes of this by-law:
- (1) “**renewable energy**” means energy obtained from **solar energy, wind energy, or geo energy**;
  - (2) “**cogeneration energy**” means thermal energy and electrical energy simultaneously produced from the same process;
  - (3) “**solar energy**” means energy from the sun that is converted to produce electrical or thermal energy;
  - (4) “**wind energy**” means energy from the wind that is converted to produce electrical energy;
  - (5) “**geo energy**” means energy derived from the temperature of the earth that is used to produce electrical or thermal energy;
  - (6) “**distribution**” means the delivery of energy derived from **renewable energy or cogeneration energy**, to a distribution network connected to the lot;
  - (7) “**geo-thermal**” means heat under the ground used to heat water and make steam to turn generator turbines and make electricity.
2. Despite any other general or specific provision in the land use by-law of the Town of Annapolis Royal, enacted under Section 220 of the Municipal Government Act or its predecessor section:
- (1) the production of **renewable energy** shall be permitted uses in all zones of the Town of Annapolis Royal, provided that:

- (a) the production of the **renewable energy** on a lot is only permitted where that lot also contains a main or principal use, permitted on the lot by the land use by-law;
- (b) when a device producing the **renewable energy** is located on a lot where the land use by-law permits a dwelling unit:
  - (i) a photovoltaic **solar energy** device
    - (A) when located on a building, it shall be subject to all the requirements of the land use by-law for the building on which the device is located; and
    - (B) when not located on a building, shall be subject to all the requirements of the land use by-law for an accessory building or structure on a lot in the zone in which the device is located;
  - (ii) a thermal **solar energy** device:
    - (A) when located on a building, shall be subject to all the requirements of the land use by-law for the building on which the device is located; and
    - (B) when not located on a building, shall be subject to all the requirements of the land use by-law for an accessory structure on a lot in the zone in which the device is located;
  - (iii) any above-ground part of a **geo energy** device shall be subject to the requirements of the land use by-law for an accessory building or structure on a lot in the zone in which the device is located;
  - (iv) a **solar energy** device and a **geo energy** device shall not be located in a front yard or flankage yard that abuts a street or public highway;
  - (v) refer to Appendix A for a list of permitted wind or cogeneration energy devices;

and

- (c) when a device producing **renewable energy** is located on a lot where the land use by-law does not permit a dwelling unit, all parts of the device shall be subject to all the requirements of the land use

by-law for a main or principal building on the lot where the device is located; and

- (d) the production of **renewable energy** and any device used to produce the energy comply with all municipal, provincial and federal, by-laws, statutes and regulations; and
- (2) any above-ground structure or device described in this by-law that occurs on a registered heritage property shall be considered a “substantial alteration” and subject to review of the Heritage Advisory Committee and the approval of Council in accordance with Section 2(4) of this by-law; and
- (3) the **distribution of renewable energy** from **solar energy** or **geo energy** using wires or pipes shall be permitted uses in all zones of the Town of Annapolis Royal, provided the energy is produced in compliance with subsection 2(1) of this by-law, and the **distribution** of the energy produced complies with all municipal, provincial and federal, by-laws, statutes and regulations.
- (4) The Planning and Heritage Advisory Committee shall follow the *Standard and Guidelines for the Conservation of Historic Places in Canada*<sup>1</sup>, with regard to wind generation devices and other solar panel devices.

#### **Alterations/Additions for the New Use**

##### **Recommended**

Installing mechanical and service equipment on the roof such as air conditioning, transformers or solar collectors when required for the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining elements, or undermine the heritage value.

Designing additions to roofs such as residential, office or storage spaces; elevator housing; decks and terraces; or dormers or skylights when required by the new use so that they are inconspicuous from the public right-of way and do not damage or obscure character-defining elements, or undermine the heritage value.

##### **Not Recommended**

Introducing a new roof feature that is incompatible in size, scale, material, style and colour.

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<sup>1</sup> Page 22 Buildings and Roofs

Creating a false historical appearance because the replaced feature is based on insufficient physical and documentary evidence.

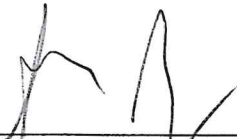
Installing mechanical or service equipment which damages or obscures character-defining elements; or is conspicuous from the public right-of-way.

Radically changing a character-defining roof shape or damaging or destroying character-defining roofing material as a result of incompatible design or improper installation techniques.



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Phil Roberts, Mayor



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Amery Boyer, CAO

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 Town of Annapolis Royal, held the 18th day of January, 2010.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Annapolis Royal this 18<sup>th</sup> day of January, 2010.

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## APPENDIX A

As at date of publication, there are no permitted wind or cogeneration energy devices.