

By-Law To Permit The Production And Distribution Of Energy From Specific Renewable And Green Energy Sources.

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.

2. Despite any other general or specific provision in any zoning by-law of the Town of Annapolis Royal or its former municipalities, enacted under section 34 of the Planning Act or its predecessor section:
 - (1) the production of **renewable energy**, and the production of **cogeneration energy** shall be permitted uses in all zones or districts of the Town of Annapolis Royal, provided that:
 - (a) the production of the **renewable energy** or **cogeneration energy** on a lot is only permitted where that lot also contains a main or principal use, permitted on the lot by the applicable zoning by-law;
 - (b) when a device producing the **renewable energy** or **cogeneration energy** is located on a lot where the applicable zoning 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 applicable zoning 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 applicable zoning by-law

for an accessory or ancillary 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 applicable zoning 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 applicable zoning by-law for an accessory or ancillary building or structure on a lot in the zone in which the device is located;
 - (iii) all parts of a **wind energy** device shall comply with all requirements of the applicable zoning by-law for a main or principal building on the lot where the device is located;
 - (iv) a maximum of one **wind energy** device is permitted on a lot;
 - (v) any above-ground part of a **geo energy** device shall be subject to the requirements of the applicable zoning by-law for an accessory or ancillary building or structure on a lot in the zone in which the device is located;
 - (vi) a **wind energy** device, **solar energy** device and a **geo energy** device shall not be located in a front yard or side yard that abuts a street or public highway;
 - (vii) a **cogeneration energy** device shall be located on the lot so that it complies with all requirements of the applicable zoning by-law, for a main or principal building on the lot where the device is located; and
- (c) when a device producing the **renewable energy** or **cogeneration energy** is located on a lot where the applicable zoning by-law does not permit a dwelling unit, all parts of the device shall be subject to all the requirements of the applicable zoning by-law for a main or principal building on the lot where the device is located; and
 - (d) the production of the **renewable energy** or **cogeneration energy** and any device used to produce the energy comply with all municipal, provincial and federal, by-laws, statutes and regulations; and

- (2) the **distribution of renewable energy** from **solar energy, wind energy** or **geo energy** using wires or pipes, and the **distribution of cogeneration energy** using wires or pipes, shall be permitted uses in all zones or districts 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.

Jane DeWolfe, Mayor

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 *X day of* , 2008.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Annapolis Royal this X.

FIRST READING:	
ANOTICE OF INTENT@ PUBLICATION:	
SECOND READING:	
MINISTERIAL APPROVAL: Minister of Environment	
DATE OF PUBLISHING:	
FORWARDED TO THE MINISTER	
FORWARDED TO WEBSITE	