
To: **Antigonish County Planning Advisory Committee
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **October 6, 2025**

Reference: **Proposed Amendments to the Plan Antigonish Land Use By-law for the
Municipality of the County of Antigonish in Response to New Provincial
Setback Requirements for Utility Scale Wind Turbines**

Recommendations

Staff recommend that the Planning Advisory Committee recommend to Council that the proposed amendments to the Plan Antigonish Land Use Bylaw align with the new wind turbine setback regulations introduced by the Province of Nova Scotia and further that amendments be made to the required separation distances in accordance with recently accepted municipal practice, be given first reading and a public hearing be scheduled.

Background

In March 2025, the Province of Nova Scotia amended the Provincial Minimum Planning Requirements Regulations to establish maximum allowable setbacks for wind turbines within municipalities. Under the amended regulations, municipal planning documents cannot require a setback greater than four times the height of the turbine, unless a greater distance is necessary to ensure that sound levels do not exceed 40 decibels at the exterior of a dwelling or that shadow flicker on nearby residential dwellings does not exceed the defined provincial limits. The amendments also removed the ability for municipalities to regulate wind turbine placement based on visual impact on the landscape.

On July 28, 2025, Planning Staff received an application from EverWind to amend the Antigonish County Land Use By-law provisions concerning wind turbine development. The proposed amendment seeks to align the County's Land Use By-law with the newly established maximum setback provisions under the Provincial regulations. In addition, the applicant has requested amendments to bring setback requirements from public highways and watercourses into conformity with regulatory norms. The application also includes a request for clarification of the definition of "highways" within the context of the by-law.

Analysis

Under Plan Antigonish, utility-scale wind turbines are subject to a series of setbacks designed to balance residential compatibility, public safety, and environmental considerations. The by-law requires a minimum setback of 600 metres (1,969 feet) from all residences, with the exception of

dwellings located on the same lot as the turbine. For larger turbines or wind farms requiring an environmental assessment, this setback increases to 1,000 metres (3,280 feet) from all residences.

In addition to residential requirements, turbines must also be located a minimum of 60 metres (197 feet) or two times the turbine height, whichever is greater, from public highways. Setbacks from watercourses are established at 30 metres (98 feet) plus the blade length of the turbine, while property line setbacks are set at 10 metres plus the height of the rotor.

Noise limits form another component of the current by-law. The mean sound pressure level from a wind turbine must not exceed 40 decibels, or the existing background noise level—whichever is greater—when measured at the nearest residence. These standards, along with the setback requirements, do not apply to residences constructed after a turbine has been installed.

Amendments to the Provincial Minimum Planning Requirements Regulations now limit the ability of municipalities to have minimum setbacks greater than four times the height of a turbine from dwellings. A greater distance may only be required where necessary to ensure that sound levels remain below 40 decibels at the exterior of nearby residences. As a result, the County’s Land Use By-law must be updated to reflect the new provincial standards.

In addition to these mandatory changes, the applicant has also requested amendments to clarify and update setback requirements from public highways and watercourses. A precedent for such revisions can be found in the Municipality of Inverness, which recently amended its planning documents to establish a minimum setback of 60 metres from both watercourses and public highways.

Conclusion

Staff recommend updating the Land Use By-law for Antigonish County to align with the new provincial regulations concerning wind turbine setbacks and to amend the required separation distances from public highways and watercourses, consistent with recent municipal practice and that the proposed amendments be given first reading and a public hearing be scheduled.

Appendix

Appendix A: Proposed Amending By-laws

Appendix A: Amending Pages

**BYLAW TO AMEND THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH LAND-USE BY-LAWS
CONCERNING THE REGULATION OF WIND TURBINE SETBACKS**

WHEREAS Section 205 of the Municipal Government Act provides that a Municipality may make amendments to municipal planning strategies and land use by-laws, the Council of the Municipality of the County of Antigonish enacts as follows:

The Land Use By-law for the Municipality of the County of Antigonish, as it pertains to wind turbine development, is hereby amended as follows:

1. Section 7.2.1(c) of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold:

*c. "Analysis of noise impact including a map indicating all lands and sensitive receptors impacted by the >40dBA emission level and estimated noise levels at ~~property lines~~
exterior of a residential dwelling and receptors;"*

2. Section 7.4.2(a) of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold:

*a. "Minimum setback from all residences, except residences located on the same lot as the wind turbine, shall be ~~600 metres (1969 feet)~~ **four (4) times turbine height. There is no setback requirement from residences located on the same lot.**"*

3. Section 7.4.2(b) of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold:

*b. "Minimum setback for larger turbines or wind farms requiring environmental assessment from all residences, except residences located on the same lot as the wind turbine, shall be ~~1000 metres (3280 feet)~~ **four (4) times turbine height. There is no setback requirement from residences located on the same lot.**"*

4. Section 7.4.2(d) of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold:

*d. "Minimum setback from all property lines shall be ~~10 metres (32.8 feet)~~ **four (4) times turbine height** ~~plus one times the height of the rotor.~~"*

5. Section 7.4.2(f) of the Land Use By-law is amended by removing the text shown in strikethrough:

f. *"The minimum setbacks from public highways shall be 60 metres ~~or two times the height of the turbine, whichever amount is greater.~~"*

6. Section 7.4.2(g) of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold:

g. *"Minimum setbacks from watercourses shall be ~~30 metres plus the blade length.~~ **60 metres.**"*

7. Section 7.4.2(i) of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold:

i. *"The mean value of sound pressure level from a wind turbine shall not exceed 40dBA or above the existing background noise, whichever is greater, at the ~~nearest residence~~ **from the exterior of a residential dwelling.**"*

8. Section 30 of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold:

i. *"Public Road means ~~a public street or road as defined in the Subdivision By-law of the Municipality of the County of Antigonish.~~ **any street accepted and maintained by the Province of Nova Scotia or the Municipality as a public thoroughfare.**"*

READ a first time this
_____ day of _____, 2025
(Min#2025-XXX).

READ a second time and passed this
_____ day of _____, 2025
(Min#2025-XXX).

Nicholas MacInnis, Warden

Shirlyn Donovan, CAO

Notice of Approval Published (date) and (date)