

**The Rural Municipality of Morris**

BY-LAW NO. 1609-06

BEING a By-law of the Rural Municipality of Morris to amend the R.M. of Morris Zoning By-law, being By-law No. 1581/04 of the Rural Municipality of Morris, as amended.

**WHEREAS**, Section 80(1) of The Planning Act of the Province of Manitoba provides that the Council of a municipality may amend a zoning by-law;

**AND WHEREAS** the Council of the Rural Municipality of Morris deems it in the best interests of the municipality to amend the R.M. of Morris Zoning By-law No. 1581/04, as amended;

**NOW THEREFORE**, the Council of the Rural Municipality of Morris, in meeting duly assembled, enacts as follows:

**THAT** "WIND ENERGY GENERATION SYSTEMS" (WEGS) be added to the zoning by-law as a PERMITTED use in the "AR" Restricted Agricultural Zone and "AG" General Agricultural Zone, under Part 4: Land Use Zones;

**AND THAT** the following be added to the R.M. of Morris Zoning By-law Part 1:

**Section 2(111) Definitions**

- (a) Wind Energy Generation System (WEGS): any device or group of devices such as a wind charger, windmill or wind turbine that converts wind energy to electrical energy whether it is for personal use or for generation of power for sale by a private commercial enterprise.
- (b) Wind Energy Generation System Accessory Facilities: facilities, equipment, machinery and other devices necessary to the proper operation and maintenance of a wind energy generation system including, but not limited to, access roads, collector and feeder lines and power substations.


**Section 2(112)**

Prior to the construction of WEGS, plans illustrating the siting location of each WEGS device and associated works including accessory buildings or structures, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system must be submitted to the Municipality for site approval and shall conform to the following criteria:

- (a) In addition to satisfying the minimum yard requirements, all WEGS shall be set back a minimum of one and one half (1.5) times the total height of the WEGS from all dwelling units and accessory buildings.
- (b) In addition to satisfying the minimum yard requirements, newly constructed residences in the vicinity of a WEGS shall be separated a minimum of one and one half (1.5) times the total height of the nearest adjacent WEGS. This setback is deemed to be a required yard for the purposes of this by-law and variances may be considered provided all affected residences are notified of the variation hearing.

- (c) The total height of any WEGS shall be the distance measured between the ground and the uppermost point extension of any rotor blade.
- (d) Any proposed WEGS sites located adjacent to provincial highways (PTH) or provincial road (PR) shall be circulated to Manitoba Transportation and Government Services for review and shall be subject to the requirements of the regulations affecting those roadways.
- (e) Proponents of WEGS are responsible for obtaining any required Federal and/or Provincial permits or approval from any agencies and a copy must be remitted to the Municipality.
- (f) Where a proponent locates a WEGS on lands not under their ownership, they will be required to enter into an easement agreement with the owner of the property in order to secure on-going access to the WEGS.
- (g) Where, in the opinion of the Municipality, the setbacks or separation distances referred to in this section are not sufficient to reduce the potentially negative impact of WEGS due to the proposed number or density of WEGS, the existing number or density of other uses in the general vicinity, the proximity to a public road or any other reason that the Municipality believes is relevant, Council may increase/decrease the required setbacks and separation distances.

**DONE AND PASSED** by the Council of the Rural Municipality of Morris in the Province of Manitoba this 13<sup>th</sup> day of September, AD, 2006.

  
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REEVE  
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CAO

Read a first time on the 9<sup>th</sup> day of August , 2006.  
Read a second time on the 13<sup>th</sup> day of September , 2006.  
Read a third time on the 13<sup>th</sup> day of September , 2006.