

# CITY OF MORRIS

## MEMORANDUM

TO: Morris Planning Commission                      DATE: December 11, 2020

FROM: Blaine Hill, City Manager

SUBJECT: Agenda for 12/15/2020 Regular Planning Commission Meeting,  
5:15 p.m. via Zoom

- A. Call to Order, Call of the Roll, and Approval of 10/20/20 Regular Meeting Minutes
- B. Public Hearings
  - A. Hearing on Ordinance No. 113, An Ordinance Updating the Morris City Code Chapter 11, Land Use Regulation (Zoning) Regarding Solar Energy Systems and Solar Structures, Farms and Gardens
- C. Other Business
- D. Adjournment

**\*\*\*Please let us know if you are unable to attend the meeting.\*\*\***

## MINUTES-PLANNING COMMISSION-REGULAR MEETING-OCTOBER 20, 2020

The Regular Meeting of the Morris Planning Commission was called to order at 5:15 p.m. this 20<sup>th</sup> day of October, 2020, by Vice Chairperson Gades via ZOOM.

CALL OF THE ROLL: Roll call was taken with the following members present: Commissioners Kurpiers, Granger, Brands, Fohl, Wulf, and Vice Chairperson Gades. Chairperson Kuchenreuther was absent. Also present were City Manager Hill, ex-officio Gullickson, and Sustainability Project Coordinator Watkins.

PUBLIC HEARINGS: None.

OTHER BUSINESS: Solar System Ordinance: City Manager Hill introduced Sustainability Project Coordinator Chris Watkins, who gave a brief background on himself.

Watkins put together an Ordinance Updating the Morris City Code Chapter 11 – Land Use Regulation (Zoning) that covers solar structures.

Hill indicated the current Code has definitions and a small set of paragraphs that deal with solar. The updated ordinance includes what is allowed solar-wise in different zones. Hill noted that current language in the Code, while allowing solar, does not have all the things needed to address oversight of systems being put up and includes some things that shouldn't be allowed. Hill pointed out that solar systems are a permitted use with this new ordinance, whereas solar farms and community gardens require a conditional use permit.

Commissioner Granger feels that ground and pole-mounted systems should be conditional uses in R, RM and NC District because a conditional use allows for Planning Commission review, and notification of neighbors to allow them to comment.

Considerable discussion was held. Commissioner Kurpiers suggested that the definitions be grouped together better. Hill noted that could be done. Number 139 of the definitions, "Solar, Renewable Energy System", includes wind energy. Kurpiers questioned if that should be included. Hill indicated it can be removed so the section deals strictly with solar.

Commissioner Fohl pointed out that in 131 of the definitions it explains that solar farms or community solar gardens are not included. However, the performance standards do include solar farms and community solar gardens.

Kurpiers asked about C.1. that states no solar energy systems shall be allowed in the front yard setback area and the side yard setback area on any corner lot. Hill stated that should read that no solar energy systems can be built in the front or side yard on any corner lot. Watkins indicated the system is treated as an accessory structure.

Watkins explained that the Great Plains Institute, which provided a great amount of information when he wrote the ordinance, recommends a standard ordinance for use in

## **MINUTES-PLANNING COMMISSION-REGULAR MEETING-OCTOBER 20, 2020**

### **Solar System Ordinance:** (continued)

all cities so that when an installer comes in to a city, they see a lot of the same regulations.

Hill explained that solar systems are allowed in the Municipal Conservancy District (MC) because houses are allowed in the MC district, and it is felt the MC area would be an excellent site for solar systems. Granger feels solar farms and community solar gardens should be prohibited in the MC District. She cited part of the purpose of the MC District, "to protect the integrity of sensitive natural resources and the aesthetic beauty of natural areas". She feels these systems are more of an industrial type energy structure that has a visual impact.

Hill indicated he plans to forward the Ordinance to the City Council for a 1<sup>st</sup> reading, then the Planning Commission will hold a public hearing on the ordinance, and then it goes back to the City Council for a 2<sup>nd</sup> reading and final adoption. Once it is published after the final adoption, there is a 30-day waiting period before it takes effect.

Hill explained that J. would prohibit a group of neighbors putting together an agreement to restrict other neighbors from installing solar.

Commissioner Granger moved, seconded by Fohl, that ground and pole-mounted systems be conditional uses in the R, RM, and NC districts, and should not be allowed in front yards or corner lot side yards. With all present voting in favor, motion carried.

Commissioner Kurpiers asked about glare off a solar system. Watkins stated solar systems are more likely to be at an angle where they get a little glare, but no more than a window.

**OTHER BUSINESS:** **Christus House Sign:** Commissioner Granger indicated the sign in front of the Christus House at the corner of 2<sup>nd</sup> Street and Columbia is very bright, flashes the time and temperature, and the text scrolls and waves. She feels it is very commercial looking in a Residential neighborhood and doesn't feel that is what the Planning Commission approved. Hill indicated he will look back into minutes and see what the Planning Commissioner decision was on that.

**Old Bus Garage and Salvation Army Building:** Commissioner Wulf asked if there was any activity on the old bus garage or salvation army building. Hill indicated he has no more information on them.

**Introduction of New Member:** Hill introduced and welcomed Melanie Fohl, the newest member of the Planning Commission. She is filling the unexpired term of Steve Rudney.

**ADJOURNMENT:** There being no further business, Commissioner Granger moved, seconded by Wulf, to adjourn. Motion carried and the meeting adjourned at 6:40.



# CITY OF MORRIS

610 Oregon Avenue • P. O. Box 438 • Morris, MN 56267 • 320-589-3141 • Fax 320-589-3111 • email [cityhall@ci.morris.mn.us](mailto:cityhall@ci.morris.mn.us)

---

TO: Morris Planning Commission

DATE: December 11, 2020

FROM: Blaine Hill, City Manager

RE: Planning Commission Meeting – December 15, 2020

---

The Planning Commission will meet on the 15<sup>th</sup> to hold a public hearing on Ordinance No. 113, An Ordinance Updating the Morris City Code Chapter 11 – Land Use Regulation (Zoning). The purpose of the ordinance is to put into place language that pertains to the placement of solar energy systems.

This ordinance started in the Planning Commission after it was presented by city staff. A couple of changes and reordering issues were addressed and then it was presented to the City Council for a first reading. Since then there has been a couple of small additions and they are highlighted on the current ordinance being presented to the Planning Commission. These came about through a review that was done to meet the SolSmart standards.

The next step for the Planning Commission is to hold the public hearing. City staff will present the updated information and then the public, if present, can make comments or ask questions. My plan is to have Chris Watkins present some information and possibly 1-2 others that have been working with us on solar. I'm not aware of any citizen comments or individuals that plan on talking to the Planning Commission.

We will run the meeting like the City Council meetings. Planning Commission members will be via Zoom. Staff will be via Zoom and probably the 1-2 presenters. I will be present in the City Council Chambers. I will have the meeting up on the big screen TV and will facilitate visitor comments through my computer. We have socially distanced chairs to seat visitors.

Once the hearing is done, the Planning Commission will discuss and debate the ordinance. The Planning Commission should then make a recommendation on it to the City Council. The recommendation will then be forwarded to the City Council. They have a 2<sup>nd</sup> reading of the ordinance scheduled for their December 22, 2020 meeting. If adopted, it must be published, sit for 30 days and then it will be put in place.



# *CITY OF MORRIS*

---

610 Oregon Avenue • P. O. Box 438 • Morris, MN 56267 • 320-589-3141 • Fax 320-589-3111 • email [cityhall@ci.morris.mn.us](mailto:cityhall@ci.morris.mn.us)

## **Public Notice**

Notice is hereby given that the Planning Commission of the City of Morris will hold a public hearing on Tuesday, December 15, 2020 in the Council Chambers of the Morris Senior Citizens/Community Center at 5:20 p.m. The purpose of this hearing is to consider City of Morris Ordinance No. 113, An Ordinance Updating the Morris City Code Chapter 11, Land Use Regulation (Zoning) to provide rules, regulations and standards for the placement of solar energy systems and solar structures, solar farms and solar gardens. The Morris City Council held the first reading of Ordinance No. 113 on October 27, 2020 and according to Morris City Code, any changes to Chapter 11 should be presented to the Planning Commission for a public hearing. Upon the conclusion of the Public Hearing, the Planning Commission will make a recommendation back to the City Council for consideration during their second reading of the Ordinance, to include any additions, corrections or adjustments.

You have the right to attend this public hearing and express your views concerning this request. If you have questions concerning this notice, please call the City Office at 589-3141.

Blaine Hill  
City Manager

**ORDINANCE NO. 113**  
**AN ORDINANCE UPDATING THE MORRIS CITY CODE CHAPTER 11 - LAND**  
**USE REGULATION (ZONING)**

THE CITY COUNCIL OF THE CITY OF MORRIS DOES HEREBY ORDAIN THE FOLLOWING CHANGES BE MADE:

**That Morris City Code Chapter 11, Land Use Regulation (Zoning) be changed as follows:**

**Section 11.03. Rules and Definitions, Subd. 2, Definitions, be changed to remove 131. "Solar Structure" and renumber the definitions after adding the following new definitions:**

131. "Solar, Energy System" - A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating, but this does not include Solar Farms or Community Solar Gardens.

132. "Solar, Building-integrated Energy Systems" - A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

133. "Solar, Grid-intertie Energy System" - A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

134. "Solar, Off-grid Energy System" - A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

135. "Solar, Passive Energy System" - A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

136. "Solar, Photovoltaic (PV) System" - A solar energy system that converts solar energy directly into electricity.

137. "Solar, Renewable Energy System" - A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

138. "Solar, Ground-mount" - a solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.
139. "Solar, Roof-mount" - A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.
140. "Solar, Roof Pitch" - The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
141. "Solar, Access" - Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.
142. "Solar, Collector" - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
143. "Solar, Collector Surface" - Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
144. "Solar, Mounting Devices" - Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
145. "Solar, Energy" - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
146. "Solar, Heat Exchanger" - A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.
147. "Solar, Hot Air System" - A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.
148. "Solar, Hot Water System" - A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
149. "Solar, Community Garden" - A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location

of the solar energy system, consistent with Minn. Statutes 216B.1641 or successor statute.

150. "Solar, Farm" - A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

151. "Solar, Resource" - A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.

Renumber remaining definitions in this Section and Subd.

**Section 11.20. Zoning Districts, Subd. 2, Business Districts, be changed to add C. NC – Neighborhood Commercial District.**

**Add/Change the following:**

Section 11.22. RF – Farm Residence District to add B. Permitted Uses (Accessory). 5. Solar Energy Systems; remove C. Conditional Uses (Requires a Conditional Use Permit), 11. Solar energy systems and solar structures; add C. Conditional Uses (Requires a Conditional Use Permit), 11. Solar Farm and 12. Community Solar Garden.

Section 11.23. R – Single and Family Residence District to add B. Permitted Uses (Accessory). 7. Solar Energy Systems; remove C. Conditional Uses (Requires a Conditional Use Permit), 9. Solar energy systems and solar structures;

Section 11.24. RM – Multiple Family Residence District to add B. Permitted Uses (Accessory). 7. Solar Energy Systems; remove C. Conditional Uses (Requires a Conditional Use Permit), 12. Solar energy systems and solar structures;

Section 11.25. NC – Neighborhood Commercial District to add B. Permitted Uses (Accessory). 5. Solar Energy Systems;

Section 11.30. HB – Highway Business District to add B. Permitted Uses (Accessory). 5. Solar Energy Systems; remove C. Conditional Uses (Requires a Conditional Use Permit), 16. Solar energy systems, solar and earth-sheltered structures; add C. Conditional Use Permit), 16. Solar Farm and 17. Community Solar Garden; renumber the current number 17 to 18.



Section 11.31. CBD – Central Business District to add B. Permitted Uses (Accessory). 7. Solar Energy Systems; remove C. Conditional Uses (Requires a Conditional Use Permit), 11. Solar energy systems and solar structures;

Section 11.40. I1 – Light Industrial District. to add B. Permitted Uses (Accessory). 5. Solar Energy Systems; add C. Conditional Uses (Requires a Conditional Use Permit), 3. Solar Farm and 4. Community Solar Garden.

Section 11.41. I2 – Heavy Industrial District to add Conditional Uses (Requires a Conditional Use Permit), 24. Solar Farm and 25. Community Solar Garden.

Section 11.50. MC – Municipal Conservancy District to change formatting to include add B. Permitted Uses (Accessory). 4. Solar Energy Systems; add C. Conditional Uses (Requires a Conditional Use Permit), 11. Solar Farm and 12. Community Solar Garden.

**Section 11.70. Performance Standards, Subd. 26. Solar Energy Systems and Solar Structures to remove the current language and to replace it with the following language**

Subd. 26. Solar Energy Systems, Solar Farms and Community Solar Gardens.

A. Solar energy systems must meet the following height requirements:

1. Building or Roof Mounted Solar Energy Systems – ~~Regardless~~ of the height limitations of the zoning district, building mounted solar energy systems shall not extend higher than three (3) feet above the ridge level of a roof on a structure with a gable, hip, or gambrel roof and shall not extend higher than ten (10) feet above the surface of the roof when installed on flat or shed roof.
2. Ground or Pole Mounted Solar Energy Systems - Ground mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

B. Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

1. Building or Roof Mounted Solar Energy Systems – In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar

hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

2. Ground or Pole Mounted Solar Energy Systems – Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

C. Solar energy systems shall be designed to blend into the architecture of the building to the best extent possible unless otherwise screened from routine view from public right-of-ways other than alleys. By default, flush-mounted solar energy systems meet the criteria for blending into the building architecture. The color of the solar collector is not required to be consistent with other roofing materials.

1. No Solar Energy Systems shall be allowed in the front yard setback area and the side yard setback area on any corner lot.
2. Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
3. Roof Mounted Solar Energy Systems - The solar collector surface and mounting devices for building-mounted solar energy systems shall be set back not less than one (1) foot from the exterior perimeter of a roof for every one (1) foot that the system extends above the parapet wall or roof surface, if no parapet wall exists, on which the system is mounted. Solar energy systems that extend less than three (3) feet above the roof surface shall be exempt from this provision.
4. Reflectors - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

- D. Ground-mount systems shall not exceed half the building footprint of the principal structure, and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Ground-mount systems do not contribute to the total square footage used to calculate the accessory use coverage standards of the zoning district in which they are being installed. Foundations, gravel, or compacted soils are considered impervious.
- E. Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.
- F. All solar energy systems shall meet approval of the local building inspector and/or Zoning Administrator consistent with the State of Minnesota Building Code and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
- G. All photovoltaic systems shall comply with the Minnesota State Electric Code.
- H. Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
- I. All grid-intertie solar energy systems shall comply with the interconnection requirements of the local electric utility. Off-grid systems are exempt from this requirement.
- J. New homeowners' agreements, covenants, common interest community standards, or other contracts between multiple property owners within a subdivision of the City shall not restrict or limit solar energy systems to a greater extent than the City's solar energy standards.
- K. The City encourages protection of solar access in all new subdivisions.
- L. Solar energy systems installed on, or integrated with, carports or parking structures are a permitted accessory use in all non-residential and multi-family districts.
- M. In a residential zone no owner, occupier, or person in control of property shall allow vegetation or structures to be placed or grow so as to cast a shadow on a solar energy system which is greater than the shadow along the boundary line of said property between the hours of 9:30 a.m. and 2:30 p.m. Central Standard Time on December 21; provided, however, this standard shall not apply to vegetation or structures which cast a shadow upon the solar energy systems or to

vegetation existing at the time of installation of said solar energy system. The property owner, or a contracted professional hired by the property owner, are the only parties allowed to remove a private tree from private property, unless otherwise directed by Morris City Code.

- N. Solar Energy Systems, Solar Farms and Community Solar Gardens require a building permit as per Chapter 4, Section 4.05 of the Morris City Code.

MORRIS CITY COUNCIL

---

Sheldon Giese, Mayor

ATTEST:

---

Blaine C. Hill, City Manager

First Reading: Projected - October 20, 2020  
Second Reading: Projected – December 22, 2020  
Publication: Projected – December 29, 2020  
Effective Date: Projected – January 29, 2021