

ORDINANCE NO. 4071

AN ORDINANCE REGULATING SMALL WIND ENERGY SYSTEMS AND SOLAR ENERGY DEVICES WITHIN THE CITY OF MORRIS, GRUNDY COUNTY, ILLINOIS

WHEREAS, the City of Morris is granted the general power to enact zoning and design regulations (65 ILCS 5/11-13-1); and

WHEREAS, a municipality is authorized to regulate electric generated wind devices within its zoning jurisdiction (65 ILCS 5/11-13-26); and

WHEREAS, the City of Morris is authorized to regulate structures and activities which hinder access to solar energy (65 ILCS 5/11-13-1(10)); and

WHEREAS, a public hearing was properly noticed and held before the Morris Planning Commission on April 29, 2015, at 7:00 p.m. with no objectors present; and

WHEREAS, the Morris Planning Commission recommended adoption of the Regulations for Small Wind Energy Systems and Solar Energy Devices; and

WHEREAS, the Morris City Council finds the recommendation of the Morris Planning Commission to be in the best interest of the health, safety and welfare of the residents of the City of Morris.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MORRIS, GRUNDY COUNTY, ILLINOIS, AS FOLLOWS:

1. That the above recitals constitute the findings of the Morris City Council and are hereby restated and incorporated into the body of this Ordinance as though fully set forth herein.

2. That Section 17.06.655 of the Morris Municipal Code is hereby created and shall hereafter read as follows:

Small Wind Energy System (SWES): Equipment that converts and then stores or transfers energy from the wind into useable forms of energy. This equipment includes any base, blade, foundation, generator, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system. Such systems shall have a nameplate capacity of 100 kilowatts or less.

3. That Section 17.06.657 of the Morris Municipal Code is hereby created and shall hereafter read as follows:

Solar Energy Device: Equipment that converts and then stores or transfers energy from the sun into useable forms of energy.

4. That Section 17.09.300 of the Morris Municipal Code is hereby created and shall hereafter read as follows:

17.09.300 SMALL WIND ENERGY SYSTEMS:

- A. **Conditional Use Required.** A small wind energy system complying with the standards in Section 17.09.300 (B) of the Code within Manufacturing District (M1, M2, M3 or LM) shall be a permitted use. Any small wind energy system in any Residential or Business District shall require a conditional use permit (see Section 17.66 for Conditional Use procedures).
- B. **Standards.** Any small wind energy system shall meet the following standards unless modified through a condition(s) attached to the ordinance approving the special use.
 - (1) **Roof-mounted** small wind energy systems shall not exceed fifteen feet (15') in height above the elevation of the roof installation point, measured from the point of attachment to the top of the turbine blade at its highest point. Small wind energy systems shall be located no closer than ten feet (10') from an adjacent property line.
 - (2) **Freestanding** small wind energy system shall be set back a distance equal to one hundred ten percent (110%) of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten feet (10') to the property line. The wind energy system shall maintain a circular clear zone that

has a radius which is equivalent to one hundred ten percent (110%) of the combined distance of the tower height plus the length to the tip of the blade. This clear zone shall be maintained free of any occupied structures, tanks containing combustible/flammable liquids, and above ground utility/electrical lines.

- (3) Small wind energy systems shall have a non-reflective finish and shall be neutral in color. Small wind energy systems shall not be artificially lighted.
- (4) A building permit shall be required prior to erecting any small wind energy system. Mounting for such systems shall be in conformance with all electrical codes and building codes to ensure wind and weight loading requirements are met. Plans shall be stamped by a licensed structural engineer, and inspected by a qualified inspector for such installations.
- (5) An emergency direct current disconnect switch shall be provided in an accessible location near the electric meter to shut off such system in the event of an emergency.
- (6) Small wind energy systems shall have a governor installed to regulate and limit the speed of the turbine in high wind events.
- (7) Small wind energy systems not in service for a period of one hundred eighty (180) days shall be removed and the property on which it is located restored to its original condition within thirty (30) days.
- (8) Small wind energy systems shall be primarily used to generate energy for the property where it is located.
- (9) The small wind energy system shall not exceed 55 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

5. That Section 17.09.310 of the Morris Municipal Code is hereby created and shall hereafter read as follows:

17.09.310 ROOF MOUNTED SOLAR ENERGY SYSTEMS:

- A. Solar panels shall be a conditional permitted use on any roof in any zoning district as permitted accessory uses. No freestanding panels shall be allowed in any residential zoning district.
- B. Solar panels shall be flush with the roof line when possible, and shall not be elevated more than thirty degrees (30°) off the roof pitch where it is attached or no more than five feet, (5'), whichever is less. Solar panels shall not extend beyond the roof line and shall be located no closer than ten feet (10') from an adjacent property line. Solar panels shall not cover more than twenty-five percent (25%) of the total roof surface of a structure, and solar panels shall not be located on a roof face that faces the front yard of a lot, except as provided in Section C below. Solar panels may cover one hundred percent (100%) of the roof of non-residential buildings provided that they are fully screened from view on all sides of the buildings as viewed from ground level.
- C. Solar shingles shall be permitted to cover any amount of a roof without the location limitation in Section B above provided that they are incorporated into and made to appear as part of the roof, continuous in area without gaps, rectangular in shape and do not cause glare to reflect on to neighboring properties.
- D. All frame and visible structural parts of a solar panel shall match the roof color. No solar panels shall be artificially lighted.
- E. A building permit shall be required prior to erecting any solar panel. Mounting for such systems shall be in conformance with all electrical codes and building codes to ensure wind and weight loading requirements are met. Plans shall be stamped by a licensed structural engineer and by a qualified inspector for such installation.
- F. Solar panels shall not be permitted in any location other than the surface of the roof of the structure, unless otherwise specified in the subject zoning district.
- G. Solar panels not in service for a period of one hundred eighty (180) days shall be removed and the property on which it is located restored to its original condition within thirty (30) days.
- H. Solar panels shall be primarily used to generate energy for the property where it is located.

6. That Section 17.09.311 of the Morris Municipal Code shall hereby created and hereafter read as follows:

17.09.311 GROUND-MOUNTED SOLAR ENERGY SYSTEMS:

- A. Ground-mounted panels shall be a conditional permitted use in any Manufacturing or Business zoning district as accessory uses. No ground-mounted solar panels shall be allowed in any residential district. If the ground-mounted solar panels will be located in a yard adjacent to a residential zoning district, then site plan review per the provisions of Chapter 17.68 shall be required.
- B. Solar panels shall be setback as follows:
 - (1) In all zoning districts, systems shall comply with the respective setback requirements, as measured from the property line to the closest edge of the system.
 - (2) The total solar panel surface area shall be included in the floor area ratio calculations for the respective zoning district.
- C. Solar panels shall not exceed the height limits for accessory structures in the respective zoning district, as measured from adjoining grade at base to the highest elevation of the equipment.
- D. Solar panels shall be sited behind existing vegetation (which shall be supplemented with landscaping where not adequate to screen the project) or be sited using the natural topography to screen the project.
- E. Solar panels shall be enclosed by a fence or other appropriate means to prevent or restrict unauthorized persons or vehicle from entering the Parcel(s).
- F. A building permit shall be required prior to erecting any solar panel. Mounting for such systems shall be in conformance with all electrical codes and building codes to ensure wind and weight loading requirement are met. Plans shall be stamped by a licensed structural engineer and by a qualified inspector for such installation. Plans should identify any buffering and how the area under the solar panels will be maintained.

7. The City Clerk is hereby authorized and directed to publish a true and correct copy of this Ordinance in pamphlet form for a period of not less than ten (10) days to complete a Certificate of Posting consistent therewith.

8. This Ordinance shall be effective from and following its passage, approval and publication as required by law.

9. Any Ordinances inconsistent with the terms and the provisions hereof is hereby repealed and revoked to the extent of any such inconsistency.

PASSED AND APPROVED THIS 4TH DAY OF MAY, 2015.

Ayes: 8
Nays: 0
Abstain: 0
Absent: 0



RICHARD P. KOPCZICK, Mayor

[SEAL]

ATTEST:



CAROL ADAIR, City Clerk