

South Portland City Council
Position Paper of the City Manager

Subject:

ORDINANCE #14-16/17 – Amending Chapter 27 re: Solar Ordinance. Passed first reading on 3/6/17 and postponed since 3/20/17. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

POSITION:

At the Council meeting of February 22, 2017, Council passed Ordinance #12-16/17. This amendment is brought forward to amend Sec. 27-201. Definitions, “Height of building”; renumber subsections “l” and “m” of 27-533 Special exceptions (A), “l” of Sec. 27-1003 Special exceptions (A-1); and amend Sec. 27-1805 Dimensional Standards.

The “Height” amendment is to correct a contradiction between the Zoning Ordinance’s height definition and the rules for maximum building height for buildings with building-integrated or roof-top solar energy systems in residential zones.


The Planning Board held a public hearing on April 4, 2017 and by a vote of 6-0 (Neff absent) sends a positive recommendation forward to the Council.

Requested Action:

This item is in order for Council action.



City Manager

To: Scott Morelli, City Manager
From: Tex Haeuser, Planning Director 
Cc: Steve Puleo, Community Planner
Date: City Council Second Reading Hearing of April 17, 2017
Re: **Height Provision Correction in the Solar Ordinance**

Proposal

The purpose of this Zoning Ordinance text amendment is to correct an inconsistency in the recently adopted solar ordinance relative to the height limit for solar systems. Roof-top solar systems in the Zoning Ordinance's general definition for "height" were given a blanket exemption from the building height limit, but in the solar performance standards this exemption was expressly not provided for such systems in residential zoning districts (so as to prevent views from being cut off, etc.). This amendment aligns the general "height" definition with the performance standards requirements.

The proposed amendment also includes some minor section numbering corrections.

City Council and Planning Board Actions to Date

The City Council gave first reading passage to the proposed amendments, 7-0 in favor, on March 6, 2017. The Planning Board made a positive recommendation, 6-0 in favor (Neff absent), after a public hearing on April 4th.

Notice

Legal advertisements regarding this request appeared in the Portland Press Herald on February 28th and March 6th, 2017. Public notices were posted February 28, 2017 at the City Hall, Public Libraries, and on the City's webpages.



CITY OF SOUTH PORTLAND

PATRICIA A. SMITH
Mayor

Scott T. Morelli
City Manager

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

EMILY F. SCULLY
City Clerk

District One
CLAUDE V. Z. MORGAN

District Two
PATRICIA A. SMITH

District Three
EBEN C. ROSE

District Four
LINDA C. COHEN

District Five
BRAD FOX

At Large
MAXINE R. BEECHER

At Large
SUSAN J. HENDERSON

IN CITY COUNCIL

ORDINANCE #14-16/17

THE COUNCIL of the City of South Portland hereby ordains that Chapter 27, "Zoning," of the "Code of Ordinances of the City of South Portland, Maine" be and hereby is amended as follows (deletions are ~~struck through~~; additions are underlined):

CHAPTER 27

ZONING

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ARTICLE II. Definitions

Sec. 27-201. Definitions.

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Height of building. The vertical measurement from grade to the highest point of the building, except that utility structures such as chimneys, TV antennae, and HVAC systems, ~~and roof-mounted solar energy systems~~ shall not be included in this measurement, nor shall any construction whose sole function is to house or conceal such structures.

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ARTICLE V. Residential Districts

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RESIDENTIAL DISTRICT A

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Sec. 27-533. Special exceptions (A).

In the Residential District A the following uses shall be permitted as special exceptions according to the provisions of Article XIV of this Chapter:

• • •

(k) Medium-scale ground-mounted solar energy systems.

(l) Large-scale ground-mounted solar energy systems on lots greater than or equal to three (3) acres.

• • •

RESIDENTIAL DISTRICT A-1

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Sec. 27-1003. Special exceptions (A-1).

In the Conditional Residential Use District A-1 the following uses shall be permitted as special exceptions according to the provisions of Article XIV of this Chapter:

• • •

(m) Medium-scale ground-mounted solar energy systems.

• • •

ARTICLE XVIII. SOLAR ENERGY SYSTEMS

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Sec. 27-1805. Dimensional Standards.

(a) Height

- (1) ~~Building-integrated photovoltaic systems and roof-mounted solar energy systems shall not exceed the maximum allowed building height in any residential zoning district. In mixed-use and non-residential commercial/industrial zones, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and, for purposes of height measurement, are restricted consistent with other~~

~~building-mounted mechanical devices.~~ In residential zoning districts, building integrated and roof-mounted solar energy systems shall be included in the building height measurement, and the height of the building shall not exceed the maximum building height. In mixed-use and non-residential commercial/industrial zones, notwithstanding any other provision of this ordinance to the contrary, building integrated and roof-mounted solar energy systems shall not be included in the building height measurement.

- (2) Ground-mounted solar energy systems in residential and mixed-use zoning districts shall not exceed twelve (12) feet in height when oriented at maximum tilt, except that the maximum height is twenty (20) feet for systems set back at least thirty (30) feet from any property line. Ground-mounted solar energy systems in all other zoning districts shall conform to the building height requirements of the zoning districts in which they are located.

Fiscal Note: Less than \$1,000

Date: March 6, 2017