

**South Portland City Council**  
***Position Paper of the Interim City Manager***

***Subject:***

ORDINANCE #14-16/17 – Amending Chapter 27 re: Solar Ordinance. Passage requires majority vote.

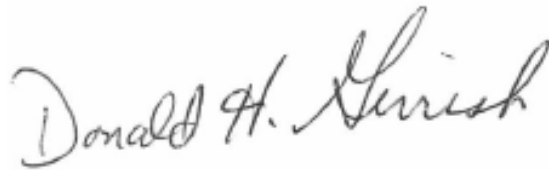
***POSITION:***

At the Council meeting of February 22, 2017 the 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.

***Requested Action:***

Council passage of first reading of the ordinance; referral of the ordinance to the Planning Board for a public hearing at its March 14, 2017 meeting; and set March 20, 2017 as the date for the City Council’s second reading/public hearing and final action on the ordinance.



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Interim City Manager



CITY OF SOUTH PORTLAND

PATRICIA A. SMITH  
Mayor

DON H. GERRISH  
Interim City Manager

SALLY J. DAGGETT  
Jensen Baird Gardner & Henry

EMILY F. SCULLY  
City Clerk

District One  
CLAUDE V. Z. MORGAN

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District Two  
PATRICIA A. SMITH

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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:

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(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.

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**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