

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

Subject:

ORDINANCE #12-16/17 – Amending Chapter 27, “Zoning,” regarding Solar Energy Systems. Amended and passed first reading on 2/6/17. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Position:

This item was discussed at both the May 9 and December 21, 2016 City Council workshops and passed first reading on February 6, 2017. The Planning Department is bringing forward this proposed set of amendments to Chapter 27 of the South Portland Code of Ordinances to allow solar energy systems of different types and sizes in South Portland in various zones as accessory, permitted, and/or special exception uses. The amendments also contain standards by which solar energy systems would be regulated.

Currently, solar energy systems are only allowed as accessory uses in South Portland and are limited to 250 kW. Recently, there have been proposals for larger, stand-alone systems, including a potential 660 kW array that the City would install on a portion of its capped landfill. Such systems are not currently allowed in any of the City’s zoning districts. In addition, the Fire Department has indicated that there is a need for standards to address potential issues relating to fighting fires in buildings with rooftop solar systems. Lastly, solar systems are growing in popularity, and it seems appropriate for the City to anticipate and preemptively mitigate potential areas of conflict.

The Planning Board held a public hearing on April 12, 2016 and by a vote of 5-0 sent a positive recommendation forward to the Council. At the Council workshop of May 9, 2016 changes were made that were substantive in nature requiring a new Planning Board review. The Planning Board held a second public hearing on January 10, 2017. By a vote of 6-0 (Phillips absent) it recommended approval of the ordinance amendments dated December 8, 2016 and discussed at the December 21, 2016 Council workshop.

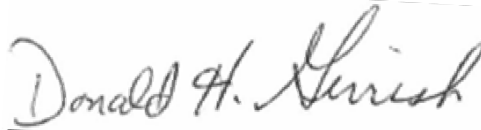
Note that the Planning Board recommended two minor revisions to these Ch. 27 amendments relating to maintenance of smaller scale solar energy installation. Staff concurs with the substance of the Planning Board’s recommendation, but believes that the best way to incorporate the substance of that recommendation into Ordinance #12 is to add a new Sec. 27-1806(h) as follows:

(h) Each solar energy installation shall be maintained as necessary to ensure that it is operating safely and as designed over its useful lifetime.

The City Council amended this Ordinance with the above language at the February 6, 2017 meeting. Council action on the second reading of the amendments is now in order. Tex Haeuser will be at Wednesday's meeting to answer any questions.

Requested Action:

This item is in order for Council action.

A handwritten signature in cursive script that reads "Donald H. Gurish". The signature is written in black ink on a white background.

Interim City Manager



CITY OF SOUTH PORTLAND

PATRICIA A. SMITH
Mayor

DON GERRISH
Interim City Manager

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

EMILY F. SCULLY
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District Four
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District Five
BRAD FOX

At Large
MAXINE R. BEECHER

At Large
SUSAN J. HENDERSON

IN CITY COUNCIL

ORDINANCE #12-16/17

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 by the enactment of a new Article XVI as follows (deletions are ~~struck through~~; additions are underlined).

CHAPTER 27

ZONING

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, 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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Solar Energy System. A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System, Active. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Ground-Mounted. An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Large-Scale. An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 17,000 square feet.

Solar Energy System, Medium-Scale. An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 1,500 square feet but less than 16,999 square feet.

Solar Energy System, Roof-Mounted. An Active Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Solar Energy System, Small-Scale. An Active Solar Energy System whose physical size based on total airspace projected over the ground is less than 1,500 square feet.

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ARTICLE V. Residential Districts

Rural Residential District RF

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Sec. 27-502. Permitted uses (RF).

The following uses shall be permitted in the Rural Residential District RF:

- (a) General purpose farming including retail sales of farm produce located on the same premises but exclusive of abattoirs and piggeries.
- (b) Single-family detached dwellings, exclusive of individual mobile homes.
- (c) Churches, parish houses, public or private schools, libraries, museums, fire stations.
- (d) Golf clubs, country clubs, tennis clubs and similar membership recreation associations which are not operated for commercial profit.
- (e) Municipal recreation areas, such as parks or playgrounds.
- (f) Cemeteries including any crematory therein.
- (g) Telephone exchanges without service yard or outside storage of materials or supplies.
- (h) Accessory buildings and uses including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, home occupations, and

telecommunication antennas, except that such antennas may not be placed on exempt towers.

(i) Medium- and large-scale ground-mounted solar energy systems.

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Residential District AA

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Sec. 27-512. Permitted uses (AA).

In the Residential District AA, the following uses shall be permitted:

- (a) Single-family detached dwellings, exclusive of mobile homes. Only one residential building may be erected upon any one lot.
- (b) Pre-existing farms.
- (c) Churches, parish houses, public or parochial schools, libraries, museums fire stations.
- (d) Accessory uses including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, home occupations, and telecommunication antennas, except that such antennas may not be placed on exempt towers. Accessory uses shall not include any driveway giving access to business, commercial or industrial uses in any other district.

Sec. 27-513. Special exceptions (AA).

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

- (a) Municipal buildings and municipal uses other than those included in Sec. 27-512.
- (b) Nursing homes, exclusive of mental care.
- (c) Funeral homes and cemeteries.
- (d) Public utility facilities including substations, pumping stations and sewage treatment facilities.
- (e) Beauty parlors and beauty shops, provided that such activities are conducted as home occupations only, subject to the terms and conditions contained in the definition of home occupation set forth in Sec. 27-201 and subject to the further condition that such activity shall not be conducted utilizing more than two (2) chairs serving more than two (2) customers at any given time.
- (f) Recreational or community activity buildings, grounds for games or sports except those operated for profit.

- (g) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
- (h) Farmers' market on City-owned property subject to the provisions of Sec. 27-1580 et seq.
- (i) Medium-scale ground-mounted solar energy systems.
- (j) Large-scale ground-mounted solar energy systems on lots greater than or equal to three (3) acres.

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Residential District A

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Sec. 27-532. Permitted uses (A).

In the Residential District A the following uses shall be permitted:

- (a) Single-family detached dwellings, exclusive of mobile homes.
- (b) Pre-existing farms.
- (c) Churches, parish houses, public or parochial schools, libraries, museums, fire stations.
- (d) Accessory uses including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, home occupations, and telecommunication antennas, except that such antennas may not be placed on exempt towers. Accessory uses shall not include any driveway giving access to business, commercial or industrial uses in any other district.
- (e) Cable television facilities in existence on February 1, 1997 or for which an application has been submitted to the City by February 1, 1997, including studios and other buildings, structures or uses necessary or accessory to the operation of a cable television system, provided that such system be operated under a franchise from the City of South Portland. Cable television signal towers and transmitters in existence as of February 1, 1997 or for which an application has been submitted to the City by February 1, 1997, also are permitted; the installation after that date on such towers of telecommunication antennas, involving transmission as well as reception of radio waves, for public radio service, or common carrier services, is not permitted
- (f) Farmers' market located inside the former Hamlin School so long as the property is owned by the City.

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:

- (a) Municipal buildings and municipal uses other than those included in Sec. 27-532 above.
- (b) Public utility facilities including substations, pumping stations and sewage treatment facilities.
- (c) Nursing homes, exclusive of mental care.
- (d) Funeral homes and cemeteries.
- (e) Private educational facilities.
- (f) Beauty parlors and beauty shops, provided that such activities are conducted as home occupations only, subject to the terms and conditions contained in the definition of home occupation set forth in Sec. 27-201 and subject to the further condition that such activity shall not be conducted utilizing more than two (2) chairs serving more than two (2) customers at any given time.
- (g) Recreational or community activity buildings, grounds for games or sports except those operated for a profit.
- (h) Commercial greenhouses with accessory uses incidental and subordinate thereto; provided, however, the sale or rental of manufactured or handmade goods must remain clearly subordinate to the raising and sale of plant goods.
- (i) Telephone answering services, provided that such activity shall be subject to the terms and conditions contained in the definition of home occupation set forth in Sec. 27-201, except that such activity must be carried on by a member of the family either owning or residing in the dwelling unit and except that paragraph (b) of said home occupation definition shall not apply.
- (j) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
- (k) Farmers' market on City-owned property subject to the provisions of Sec. 27-1580 et seq.
- (l) Medium-scale ground-mounted solar energy systems.
- (m) Large-scale ground-mounted solar energy systems on lots greater than or equal to three (3) acres.

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Residential District G

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Sec. 27-552. Permitted uses (G).

In the Residential District G, the following uses shall be permitted:

- (a) Dwellings, exclusive of mobile homes.
- (b) Reserved.
- (c) Public and private educational facilities including child, adult or combined day care centers.
- (d) Nursing homes, exclusive of mental care.
- (e) Medical and professional offices.
- (f) Funeral homes.
- (g) Churches.
- (h) Accessory uses including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, home occupations, and telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (i) Any use permitted in Residential District A zone.

Sec. 27-553. Special exceptions (G).

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

- (a) Business and retail uses intended specifically for the convenience and service of residents of the immediate area and located on sites of at least one acre. Space for such uses may also be provided on the first floor level of high rise residential structures constructed after enactment of this Chapter.
- (b) Municipal buildings and municipal uses other than those included in Sec. 27-552 above.
- (c) Public utility facilities including substations, pumping stations and Sewage treatment facilities.
- (d) Beauty parlors and beauty shops, as follows:
 - (i) If located on Broadway, Evans Street, Sawyer Street, Waterman Drive, Westbrook Street, or Western Avenue, such activities shall not utilize more than two (2) chairs serving more than two (2) customers at any one time.
 - (ii) If located elsewhere in the Residential District G, such activities shall be conducted as home occupations only, subject to the terms and conditions contained in the definition of home occupation set forth in Sec. 27-201 and

subject to the further condition that such activities shall not utilize more than two (2) chairs serving more than two (2) customers at any one time.

- (e) Recreational or community activity buildings, grounds for games or sports except those operated for a profit.
- (f) Charitable and philanthropic organizations.
- (g) Community homes, which shall be permitted unless in the judgment of the Planning Board there is documented evidence that one or more of the conditions listed in Sec. 27-1405 of this Chapter cannot be satisfactorily met.
- (h) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
- (i) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (j) 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.

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Village Residential District VR

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Sec. 27-572. Permitted uses (VR).

In the Village Residential District VR, the following uses shall be permitted:

- (a) Dwellings, exclusive of mobile homes.
- (b) Reserved.
- (c) Accessory uses including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, home occupations, and telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (d) Any use permitted in Residential District A zone under Sec. 27-532 Permitted Uses.

Sec. 27-573. Special exceptions (VR).

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

- (a) Business and retail uses intended specifically for the convenience and service of residents of the immediate area and located on sites of at least one acre. Space for

such uses may also be provided on the first floor level of high rise residential structures constructed after enactment of this Chapter.

- (b) Municipal buildings and municipal uses other than those included in Sec. 27-572 above.
 - (c) Public utility facilities including substations, pumping stations and Sewage treatment facilities.
 - (d) Beauty parlors and beauty shops, as follows:
 - (i) If located on Broadway, Evans Street, Sawyer Street, Waterman Drive, Westbrook Street, or Western Avenue, such activities shall not utilize more than two (2) chairs serving more than two (2) customers at any one time.
 - (ii) If located elsewhere in the Village Residential District VR, such activities shall be conducted as home occupations only, subject to the terms and conditions contained in the definition of home occupation set forth in Sec. 27-201 and subject to the further condition that such activities shall not utilize more than two (2) chairs serving more than two (2) customers at any one time.
 - (e) Recreational or community activity buildings, grounds for games or sports except those operated for a profit.
 - (f) Charitable and philanthropic organizations.
 - (g) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
 - (h) Congregate housing individual unit ownership facility.
 - (i) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
 - (j) Medium-scale ground-mounted solar energy systems.
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ARTICLE VII. Mixed Use/Commercial Districts

Limited Business District LB

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Sec. 27-702. Permitted uses (LB).

- (a) Local retail stores, not including gasoline filling stations and outdoor sales, and service; provided, however, such facilities may not be open to the public between the hours of 12:00 a.m. and 6:00 a.m.
- (b) Personal services.

- (c) Branch business offices.
- (d) Any use permitted in a G Residential District.
- (e) Restaurants and other places for the serving of food or beverages, provided, however, such facilities may not be open between the hours of 1:00 a.m. and 6:00 a.m.
- (f) Hotels, motor hotels, motels, tourist lodging, not including trailers or mobile homes; but including, a maximum of two (2) dwelling units for resident operators of tourist accommodations.
- (g) Accessory uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (h) Child, adult or combined day care centers.
- (i) Multiple/Mixed uses.

Sec. 27-703. Special exceptions (LB).

- (a) Public utility buildings including substations, pumping stations and sewage treatment facilities.
- (b) Municipal buildings and municipal uses other than those permitted in G Residential Districts (Sec. 27-702(d) above).
- (c) Outdoor sales, display and services, other than accessory uses as defined in Sec. 27-201, subject, in addition to other ordinance requirements, to the following terms and conditions:
 - (1) The Planning Board may limit the percentage of area coverage;
 - (2) The Planning Board may restrict the outdoor sales, display, and services to a specific portion of the lot in question;
 - (3) The Planning Board may limit the time and/or number of units involved in such outdoor sales, display or service.
- (d) Recreational or community activity buildings, grounds for games or sports except those operated for a profit.
- (e) Charitable and philanthropic organizations.
- (f) Motor vehicle repair shops provided that no unlicensed vehicles, or junked or wrecked vehicles will be permitted to be parked or stored on the premises, and no trucks, trailers, or buses will be permitted to remain parked upon the premises unless being worked upon or being serviced by employees of the shop.

- (g) Local retail stores, not including gasoline filling stations, open twenty-four (24) hours a day.
- (h) Restaurants and other places for the serving of food or beverages, open twenty-four (24) hours a day.
- (i) Monopole or lattice telecommunication towers, allowed only on or within existing high voltage electrical transmission towers, and extending no more than 35' above the top of the electrical transmission tower.
- (j) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
- (k) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (l) Medium- and large-scale ground-mounted solar energy systems.

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Village Commercial District VC

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Sec. 27-711. Permitted uses (VC).

- (a) Local retail stores, not including gasoline filling stations and outdoor sales, and service; provided, however, such facilities may not be open to the public between the hours of 12:00 a.m. and 6:00 a.m.
- (b) Personal services.
- (c) Branch business offices.
- (d) Any use permitted in a G Residential District, except that, in the Knightville Design District, in buildings or additions constructed or installed after December 31, 1999, residential units may only be located above the ground floor.
- (e) Restaurants and other places for the serving of food or beverages, provided, however, such facilities may not be open between the hours of 1:00 a.m. and 6:00 a.m.
- (f) Hotels, motor hotels, motels, tourist lodging, not including trailers or mobile homes; but including, a maximum of two (2) dwelling units for resident operators of tourist accommodations.
- (g) Accessory uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (h) Child, adult or combined day care centers.

- (i) Multiple/Mixed uses.

Sec. 27-712. Special exceptions (VC).

- (a) Public utility buildings including substations, pumping stations and sewage treatment facilities.
- (b) Municipal buildings and municipal uses other than those permitted in G Residential Districts (Sec. 27-711(d) above).
- (c) Outdoor sales, display and services, other than accessory uses as defined in Sec. 27-201, subject, in addition to other ordinance requirements, to the following terms and conditions:
 - (1) The Planning Board may limit the percentage of area coverage;
 - (2) The Planning Board may restrict the outdoor sales, display, and services to a specific portion of the lot in question;
 - (3) The Planning Board may limit the time and/or number of units involved in such outdoor sales, display or service.
- (d) Recreational or community activity buildings, grounds for games or sports except those operated for a profit.
- (e) Charitable and philanthropic organizations.
- (f) Motor vehicle repair shops provided that no unlicensed vehicles, or junked or wrecked vehicles will be permitted to be parked or stored on the premises, and no trucks, trailers, or buses will be permitted to remain parked upon the premises unless being worked upon or being serviced by employees of the shop.
- (g) Local retail stores, not including gasoline filling stations, open twenty-four (24) hours a day.
- (h) Restaurants and other places for the serving of food or beverages, open twenty-four (24) hours a day.
- (i) Monopole or lattice telecommunication towers, allowed only on or within existing high voltage electrical transmission towers, and extending no more than 35' above the top of the electrical transmission tower.
- (j) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
- (k) Farmers' Market subject to the provisions of Sec. 27-1580 et seq.
- (l) Medium-scale ground-mounted solar energy systems.

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Village Commercial – Willard District VCW

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Sec. 27-720. Permitted Uses (VCW).

- (a) Local retail stores and establishments, not including drive-through facilities, gasoline filling stations, and outdoor sales; provided, however, such stores and establishments may not be open to the public between the hours of 12:00 a.m. and 6:00 a.m.
- (b) Personal services.
- (c) Business and professional offices.
- (d) Any use permitted in the G Residential District, except that after July 1, 2006, any structure that requires Site Plan Approval by the Planning Board according to Article XIV of the Code, and is on a lot in the Village Commercial-Willard zoning district that has frontage on Preble Street, shall not be allowed to have a residential use on the ground floor, unless the residential use includes a home occupation or otherwise combines business work and residential living in the same unit. This requirement for non-residential uses on the ground floor may be waived by the Planning Board upon a demonstration by the applicant that reasonable efforts had been made to attract a business or other non-residential use and that such efforts had not met with success.
- (e) Restaurants and other places for the serving of food or beverages, not including drive-through facilities; provided, however, such restaurants and places may not be open between the hours of 12:00 a.m. and 6:00 a.m.
- (f) Hotels, motels, inns (cooking facilities allowed in one unit) and tourist lodging, not including trailers or mobile homes; but including a maximum of two (2) dwelling units for resident operators of tourist accommodations. In no case shall the total number of guest rooms or lodging units exceed twelve (12).
- (g) Accessory uses, including roof-mounted solar energy systems and small-scale ground-mounted solar energy systems, but not including telecommunication antennas.
- (h) Child, adult or combined day care centers.
- (i) Multiple/Mixed uses.
- (j) Educational services, including but not limited to adult, community, and after-school educational uses.
- (k) Artist studios.

Sec. 27-721. Special Exceptions (VCW).

- (a) Public utility buildings including substations, pumping stations and sewage treatment facilities.
- (b) Municipal buildings and municipal uses other than those included in the preceding section.
- (c) Outdoor sales, display and services, other than accessory uses as defined in Sec. 27-201, subject, in addition to other ordinance requirements, to the following terms and conditions:
 - (1) The Planning Board may limit the percentage of area coverage;
 - (2) The Planning Board may restrict the outdoor sales, display, and services to a specific portion of the lot in question;
 - (3) The Planning Board may limit the time and/or number of units involved in such outdoor sales, display or service.
- (d) Recreational or community activity buildings, grounds for games or sports except those operated for a profit.
- (e) Charitable and philanthropic organizations.
- (f) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
- (g) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (h) Medium-scale ground-mounted solar energy systems.

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Spring Point District SP

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Sec. 27-730. Permitted uses (SP).

- (a) Retail businesses and service establishments exclusive of junkyards and salvaging operations.
- (b) Business and professional offices.
- (c) Fully enclosed places of assembly, amusement, and culture.
- (d) Clubs, hotels and motels, inns, and restaurants.
- (e) Storing and handling of petroleum and/or petroleum products subject to the provisions of Sec. 27-1517, excluding automobile filling stations.
- (f) Residential uses at net densities up to seventeen (17) dwelling units per net residential acre.
- (g) Any use permitted in Limited Business District L-B Zone.
- (h) Recreational or community activity buildings, grounds for games or sports, except those operated for a profit.

- (i) Charitable and philanthropic organizations.
- (j) Child, adult or combined day care centers.
- (k) Marinas, including repair, storage, marine fuels, outdoor sales and display of new and used boats and other related sales.
- (l) Accessory buildings and uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and telecommunication antennas, except that such antennas may not be placed on exempt towers, and provided that no premises shall be used for both the washing of motor vehicles and the sale or dispensing of gasoline or any flammable liquids.
- (m) Piers and wharves used for permitted uses of this zoning district.

Sec. 27-731. Special exceptions (SP).

- (a) Pumping stations, compressor stations, substations, and public utility facilities.
- (b) Light industrial uses.
- (c) Warehousing.
- (d) Monopole telecommunication towers.
- (e) Piers and wharves used for special exception uses of this zoning district.
- (f) Government buildings.
- (g) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
- (h) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (i) Medium-scale ground-mounted solar energy systems.
- (j) Large-scale ground-mounted solar energy systems on lots greater than or equal to three (3) acres.

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Suburban Commercial District CS

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Sec. 27-739. Permitted uses (CS).

The following are permitted uses on tracts or parcels of land under five (5) acres in size existing on or before September 21, 1987.

- (a) Professional offices and office complexes.
- (b) Financial services, not including branch banks or facilities for drive-through customer transactions.
- (c) Business services that function like professional offices or office complexes.

- (d) Research and development laboratories and offices.
- (e) Medical offices.
- (f) Accessory buildings and uses relating to (a) through (e), including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (g) Personal Services.
- (h) Medium-scale ground-mounted solar energy systems.

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Sec. 27-741. Special exceptions (CS).

- (a) Public utility buildings, including substations, pumping stations, and compressor stations.
- (b) Government buildings and uses other than professional offices and office complexes.
- (c) Child, adult or combined day care centers.
- (d) Accessory buildings and uses relating to (a) through (c), including telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (e) Telecommunication towers.
- (f) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (g) Large-scale ground-mounted solar energy systems.

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General Commercial District CG

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Sec. 27-750. Permitted uses (CG).

- (a) Wholesale trade.
- (b) Warehousing and distribution facilities.
- (c) Transportation termini.
- (d) New and/or used motor vehicle sales facilities.
- (e) Automotive filling stations, automotive repair services, and car washes.

- (f) Miscellaneous repair services.
- (g) Public utility buildings, including substations, pumping stations, and compressor stations.
- (h) Accessory buildings and uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (i) Child, adult or combined day care centers.
- (j) Telecommunication towers. Site plan approval by the Planning Board is required.
- (k) Medium- and large-scale ground-mounted solar energy systems.

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Professional Office District PO

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Sec. 27-758. Permitted uses (PO).

In the Professional Office District PO, the following uses shall be permitted:

- (a) Professional offices and office complexes, including, but not limited to, financial institutions, insurance companies, computer and data processing companies, and other similar professional office facilities;
- (b) Research and development laboratories and offices;
- (c) Hospitals and associated medical facilities, provided that no veterinary office shall include an animal hospital or kennel;
- (d) Accessory uses customarily appurtenant to the permitted uses above including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and incidental sales and services to serve employees, visitors and/or clients of the permitted uses; provided, that such accessory uses must be in keeping with the spirit and intent of this district; provided further, that accessory uses involving sales and services must be conducted entirely within the main building, the design of which building does not invite the use of these services by the general public. Accessory uses exclude home occupations, but include telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (e) Child, adult or combined day care centers.
- (f) Medium-scale ground-mounted solar energy systems.

Sec. 27-759. Special exceptions (PO).

In the Professional Office District PO, the following uses shall be permitted as special exceptions according to the provisions of Article XIV of this Chapter:

- (a) High-rise hotels with a minimum of four (4) floors and associated clubhouses, golf courses, and convention centers;
- (b) Restaurants, provided there shall be no drive-ins, takeouts or fast-food facilities;
- (c) Public utilities and public services facilities to accommodate the public service needs of the various permitted uses and special exception uses allowed in the district.
- (d) Municipal uses to accommodate the public service needs of the various omitted uses and special exception uses of the district;
- (e) Combined residential and recreational complexes, including associated clubhouses and services on parcels of a minimum of one hundred (100) acres. Services shall include, but not be limited to, golf driving ranges and retail trade associated with recreational complexes located in Professional Office District (PO).
 - (1) The maximum size of the retail use or uses shall not exceed 15,000 square feet in the aggregate.
 - (2) The exterior material of the building(s) containing a retail use or uses shall consist of brick, architectural stone, or other similar material equivalent in quality to the exterior treatments of a majority of the other buildings in the PO zoning district. The use of metal or vinyl siding is specifically prohibited.
 - (3) Sec. 27-761(d)(ii & iii) notwithstanding, a single sign is permitted at an entrance to a lot containing a retail use provided it is a ground sign no more than ten (10) feet in height and no more than eighty (80) square feet in area. For the purposes of this section, a ground sign is a freestanding sign in which the entire bottom is in contact with or is close to the ground.
- (f) A public area of land, usually in a natural state, having facilities for rest and/or recreation.
- (g) Telecommunication towers.
- (h) Day Spa.
- (i) Spa Training Schools with associated dormitories located on the same lot.
- (j) Large-scale ground-mounted solar energy systems.

...

Transitional Central and Regional Commercial District CCRT

...

Sec. 27-764. Permitted uses (CCRT).

- (a) Retail trade, not including outdoor sales or display except as an accessory use, and not including new or used motor vehicle sales facilities.

- (b) Personal services.
- (c) Business services.
- (d) Financial services, including branch banks.
- (e) Professional offices and office complexes.
- (f) Restaurants; excluding drive-throughs.
- (g) Hotels; including extended stay hotels, but excluding motels.
- (h) Accessory buildings and uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (i) Child, adult or combined day care centers.
- (j) Telecommunication towers. Site plan approval by the Planning Board is required.
- (k) Educational Services.
- (l) Medium-scale ground-mounted solar energy systems.

Sec. 27-765. Special exceptions (CCRT).

- (a) Public utility buildings, including substations, pumping stations, and compressor stations.
- (b) Government buildings and uses other than professional offices and office complexes.
- (b) Fully enclosed places of assembly, amusement, or culture.
- (d) Municipal buildings and municipal uses.
- (e) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (f) Large-scale ground-mounted solar energy systems.

...

Central and Regional Commercial District CCR

...

Sec. 27-772. Permitted uses (CCR).

- (a) Retail trade, not including outdoor sales or display except as an accessory use, and not including new or used motor vehicle sales facilities.
- (b) Personal services.
- (c) Business services.
- (d) Financial services, including branch banks.
- (e) Professional offices and office complexes.
- (f) Fully enclosed places of assembly, amusement, or culture.
- (g) Restaurants.
- (h) Hotels and motels.
- (i) Accessory buildings and uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (j) Child, adult or combined day care centers.
- (k) Extended stay hotels.
- (l) Telecommunication towers. Site plan approval by the Planning Board is required.
- (m) Educational Services.
- (n) Medium-scale ground-mounted solar energy systems.

Sec. 27-773. Special exceptions (CCR).

- (a) Public utility buildings, including substations, pumping stations, and compressor stations.
- (b) Government buildings and uses other than professional offices and office complexes.
- (c) Community buildings and/or grounds for games, recreation, or sports, provided that any such use does not generate a volume or frequency of traffic that is incompatible with the purpose of this district as set forth in Sec. 27-771 above.
- (d) Outdoor sales or display other than as permitted as an accessory use, upon such conditions as the Planning Board may impose to further the intent and purpose of this Chapter, including:

- (1) A limitation on the maximum percentage of ground area which may be devoted to such outdoor sales or display;
 - (2) A requirement that such outdoor sales or display be restricted to a specific portion of the site;
 - (3) A limitation on the hours of operation for, and the number of units included within, such outdoor sales or display; and
 - (4) A requirement that the site be landscaped or contain one or more buffers to provide adequate protection to neighboring properties from detrimental visual or other features of such outdoor sales or display, provided that any such buffer may contain a limited display area for motor vehicles as part of a site improvement plan approved by the Planning Board, which plan may impose limits on the number and type of motor vehicles allowed in the display area, and may require landscaping, lighting, stone walls, or similar features.
- (e) Automotive filling stations, automotive repair services, and car washes, provided that gasoline pumps or other service appliances shall not extend nearer than fifty (50) feet to the street line; and provided that no unlicensed vehicles, or junked or wrecked vehicles, shall be allowed to be parked or stored on-site, and no trucks, trailers, or buses shall be allowed to remain parked on-site unless being worked upon or being serviced by employees of the station, and upon such conditions as the Planning Board may impose to further the intent and purpose of this Chapter, including:
- (1) A limitation on the type and scope of work which may be performed at the station, in order to minimize, reduce or eliminate noxious or hazardous uses, or other kinds of nuisances or uses incompatible with neighboring uses; and
 - (2) A limitation on the hours of operation, and the number of vehicles which may be serviced during the allowed hours of operation; and
 - (3) A requirement that the site be landscaped or contain one or more buffers to provide adequate protection to neighboring properties from detrimental visual or other features of the use.
- (f) New motor vehicle sales facilities, with limited used motor vehicle sales as an accessory use, upon such conditions as the Planning Board may impose to further the intent and purpose of this Chapter, including:
- (1) A limitation on the number and location of new and used cars stored and displayed on site; and
 - (2) The conditions for outdoor sales or display set forth in Sec. 27-773(d) above.
- (g) Passenger shuttle service facility, provided that the site contain buffers along its street frontage and side yards to provide adequate protection to neighboring properties and the community from detrimental visual features of the use.

- (h) Automobile rental facility, provided that the site contain buffers along its street frontage and side yards to provide adequate protection to neighboring properties and the community from detrimental visual features of the use.
- (i) Medical marijuana dispensary.
- (j) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (k) Large-scale ground-mounted solar energy systems.

...

Commercial District C

...

Sec. 27-780. Permitted uses (C).

- (a) Retail businesses and service establishments including warehousing and wholesale distribution related thereto, but exclusive of junkyards, salvaging operations; outdoor sales and services.
- (b) Business and professional offices.
- (c) Fully enclosed places of assembly, amusement, culture and government.
- (d) Clubs, hotels and motels, and restaurants.
- (e) Transportation termini.
- (f) Storing and handling of petroleum and/or petroleum products, excluding automobile filling stations which are governed by Sec. 27-781(d), and as noted in Sec. 27-1517; provided, however, that any such storing and handling of petroleum and/or petroleum products shall not include the bulk loading of crude oil onto any marine tank vessel.
- (g) Residential uses in air space above the preceding permitted uses and at net densities not less than ten (10) or more than seventeen (17) dwelling units per acre. The minimum space and bulk regulations of a G District shall apply.
- (h) Accessory buildings and uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (i) Any use permitted in Limited Business District L-B Zone.
- (j) Recreational or community activity buildings, grounds for games or sports, except those operated for a profit.
- (k) Charitable and philanthropic organizations.

- (l) Child, adult or combined day care centers.

Sec. 27-781. Special exceptions (C).

- (a) Pumping stations, compressor stations, substations, sewerage treatment facilities and public utility facilities.
- (b) Outdoor sales and services as regulated in the Limited Business District.
- (c) Light manufacturing.
- (d) Automotive filling stations provided that gasoline pumps or other service appliances shall not extend nearer than twenty-five (25) feet to the street line and that no unlicensed vehicles, or junked or wrecked vehicles will be permitted to be parked or stored on the premises, and no trucks, trailers, or buses will be permitted to remain parked upon the premises unless being worked upon or being serviced by employees of the station.
- (e) The removal of sod, loam, sand, gravel and quarried stone for sale or use on other than the same premises from which it is removed. The requirement for a permit shall not apply to instances where such removal is clearly and only incidental to the construction of a building for which a building permit has been issued.
- (f) Monopole telecommunication towers.
- (g) Combined motor vehicle washing and gasoline or any other flammable liquids sale or dispensing. Special attention must be made to meet site plan requirements regarding traffic and adequate separation of car wash drainage from the flammable liquid dispensing area.
- (h) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
- (i) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (j) Medium- and large-scale ground-mounted solar energy systems.

...

Main Street Community Commercial MSCC

...

Sec. 27-801. Permitted Uses (MSCC).

- (a) *Residential:*
 1. Single-family detached dwellings, exclusive of mobile homes, in existence as of April 1, 2014. After this date, new single-family detached dwellings are not permitted.
 2. Attached single-family, two-family, and multi-family dwellings, exclusive of mobile homes.

3. Congregate care facilities, assisted living facilities, and nursing homes.
4. Combined living/working spaces, including, but not limited, to artist residences with studio space.
5. Congregate housing individual unit ownership facilities.
6. Community homes.

(b) *Hotels, motels, or other accommodation services:*

1. Hotels, motels, tourist lodging, not including trailers or mobile homes, but including a maximum of two (2) dwelling units for resident operators of tourist accommodations. Effective April 1, 2014, the conversion of any of these structures to dwellings is only permitted if both of the following standards are met:
 - (a) Each dwelling unit is at least 600 sq. ft. in floor area and provides complete housekeeping facilities for one family; and
 - (b) The building containing the dwelling units meets the design standards and all other standards applicable to new buildings in the Main Street Community Commercial zoning district.
2. Bed & breakfast inns.

(c) *Commercial:*

1. Medical, business, and professional offices.
2. Retail stores and service establishments, provided that such facilities may not be open to the public between the hours of 12:00 a.m. and 6:00 a.m. This provision does not include outdoor sales and service, gasoline filling stations, junkyards, salvage operations, warehouse discount stores, pawn shops, and alternative financial establishments.
3. Drive-through facilities for stores, shops, banks, and offices; drive-through facilities for restaurants or other establishments selling food or beverages are not permitted. Any microphone, speaker, or other device used for oral communication between customers in vehicles and service providers shall be a minimum of 25 feet from the property line and shall be situated and designed so as to minimize off-site aural impacts.

4. Personal and business services.
5. Restaurants and other places for the serving of food or beverages, provided that such facilities may not be open between the hours of 1:00 a.m. and 6:00 a.m.

(d) *Public assembly, institutional, or community facilities:*

1. Churches and parish houses.
2. Museums and art galleries.
3. Funeral homes, not including cemeteries.
4. Public and private educational facilities, including child, adult, or combined day care centers.
5. Municipal buildings and uses.
6. Charitable and philanthropic organizations.

(e) *Utility and related facilities:*

1. Municipal uses, including pumping stations.

(f) *Other:*

1. Accessory uses, including but not limited to accessory wind energy generation facilities and roof-mounted solar energy systems and small-scale ground-mounted solar energy systems.
2. Multiple/Mixed uses.
3. Studios for artists and craftspeople.

Sec. 27-802 Special Exceptions (MSCC).

(a) *Residential:*

1. Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.

(b) *Commercial:*

1. Outdoor sales, display and services, other than accessory uses as defined in Sec. 27-201, subject, in addition to other ordinance requirements, to the following terms and conditions:
 - (i) The Planning Board may limit the percentage of area coverage;
 - (ii) The Planning Board may restrict the outdoor sales, display, and services to a specific portion of the lot in question;
 - (iii) The Planning Board may limit the time and/or number of units involved in such outdoor sales, display or service.
2. Motor vehicle repair shops provided that no unlicensed vehicles, or junked or wrecked vehicles will be permitted to be parked or stored on the premises, and no trucks, trailers, or buses will be permitted to remain parked upon the premises unless being worked upon or being serviced by employees of the shop.
3. Farmers' markets subject to the provisions of Sec. 27-1580 et seq.

(c) *Public assembly, institutional, or community facilities:*

1. Recreational or community activity facilities, whether operated on a for-profit or not-for-profit basis.
2. Theaters not exceeding 12,000 square feet in total building floor area.

(d) *Transportation-related facilities:*

1. Surface parking lots.
2. Multi-storied parking structures.

(e) *Utility and related facilities:*

1. Public utility facilities, including substations.
2. Radio, television, or wireless antennas, provided that telecommunication towers are not permitted.

(f) *Other:*

1. Medium-scale ground-mounted solar energy systems.

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

...

VILLAGE EXTENSION DISTRICT VE

...

Sec. 27-812. Permitted uses (VE).

...

(f) *Other uses:*

1. Accessory uses, including, but not limited to, ~~accessory energy generation facilities~~ roof-mounted solar energy systems and small-scale ground-mounted solar energy systems.
2. Multiple/mixed uses involving a combination of two or more permitted uses.
3. Studios for artists and craftspeople.

Sec. 27-813. Special exceptions (VE).

(a) *Commercial:*

1. Outdoor sales, display and services, other than accessory uses as defined in Sec. 27-201, subject, in addition to other ordinance requirements, to the following terms and conditions:
 - (i) The Planning Board may limit the percentage of area coverage;
 - (ii) The Planning Board may restrict the outdoor sales, display, and services to a specific portion of the lot in question;
 - (iii) The Planning Board may limit the time and/or number of units involved in such outdoor sales, display or service.

(b) *Public assembly, institutional, or community facilities:*

1. Recreational or community activity facilities, whether operated on a for-profit or not-for-profit basis.
2. Theaters not exceeding twelve thousand (12,000) square feet in total building floor area.

(c) *Transportation-related facilities:*

1. Surface parking lots.
2. Multi-storied parking structures.

(d) *Utility and related facilities:*

1. Public utility facilities, including substations.
2. Radio, television, or wireless antennas, provided that telecommunication towers are not permitted.

(e) *Other uses:*

1. Fully enclosed facilities for light manufacturing or assembly activities only as part of a mixed-use building.
2. Medium-scale ground-mounted solar energy systems.

BROADWAY CORRIDOR DISTRICT BC

...

Sec. 27-822. Permitted uses (BC).

...

(f) *Other uses:*

1. Accessory uses, including, but not limited to, ~~accessory energy generation facilities~~ roof-mounted solar energy systems and small-scale ground-mounted solar energy systems.
2. Multiple/mixed uses involving a combination of two or more permitted uses.
3. Studios for artists and craftspeople.

Sec. 27-823. Special exceptions (BC).

...

(e) *Other uses:*

1. Fully enclosed facilities for light manufacturing or assembly activities only as part of a mixed-use building.
2. Medium- and large-scale ground-mounted solar energy systems.

MILL CREEK CORE DISTRICT MCC

...

Sec. 27-832. Permitted uses (MCC).

...

(f) *Other uses:*

1. Accessory uses, including, but not limited to, ~~accessory energy generation facilities~~ roof-mounted solar energy systems and small-scale ground-mounted solar energy systems.
2. Multiple/mixed uses involving a combination of two or more permitted uses.
3. Studios for artists and craftspeople.
4. Fully enclosed facilities for light manufacturing or assembly activities only as part of a Planned Development approved under the standards of Sec. 27-834.

Sec. 27-833. Special exceptions (MCC).

...

(e) *Other uses:*

1. Fully enclosed facilities for light manufacturing or assembly activities only as part of a mixed-use building.
2. Medium- and large-scale ground-mounted solar energy systems.

ARTICLE IX. Industrial Districts

Light Industrial District IL

...

Sec. 27-902. Permitted uses (IL).

- (a) Light industrial uses.
- (b) Professional offices and office complexes.
- (c) Business services.
- (d) Financial services, not including branch banks or facilities for drive-through customer transactions.

- (e) Accessory buildings and uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (f) Child, adult or combined day care centers
- (g) Telecommunication towers. Site plan approval by the Planning Board is required.
- (h) Aviation facilities and services expressly limited to the following:
 - (1) Administration;
 - (2) Air freight operations;
 - (3) Physical plant service, repair and storage;
 - (4) Charter flight service;
 - (5) Airport carrier operations, including ground support and fueling;
 - (6) Aircraft and aircraft accessory sales services;
 - (7) Flying school;
 - (8) Aircraft hangars;
 - (9) Access spurs;
 - (10) Parking lots associated with aviation facilities;
 - (11) Airport deicing fluid delivery and storage areas;
 - (12) Processing buildings, above and below ground storage tanks, pump stations and other related infrastructure required for spent aircraft deicing fluid recovery and recycling operations;
 - (13) Aircraft taxiways, taxi lanes, aprons and lighting;
 - (14) Aircraft runways existing as of April 22, 2009, associated approach lighting, noise abatement measures, safety and communication related improvements and other infrastructure;
 - (15) Airport related stormwater control facilities;
 - (16) Special provisions as to restricted access areas:

16.1 Runways, taxiways, and other areas of the airport accessible to aircraft, whether access is restricted by the Federal Aviation Administration or not, shall be known as "restricted access areas" and must be subject to the special provisions of this section.

16.2 Use of lots in restricted areas shall be limited to uses which do not require or encourage access or visits by the public, but do provide technical administrative or other support to aviation operations.

16.3 Lots in restricted access areas shall not be subject to the provisions of Sec. 27-904 as to space and bulk regulations, or Sec. 27-908, (a), (c), (e), and (g), performance standards.

16.4 All construction requires site plan approval.

16.5 Maximum structure height: Seventy-five (75) feet, except within one hundred (100) feet of the "IL" zone in which the height limit shall be forty-five (45) feet.

No structure or tree, however, shall be erected, altered, allowed to grow or maintained to a height in excess of that allowed by the applicable Federal Aviation Administration (FAA) regulation.

(17) Aviation and jet fuel storage at the Portland International Jetport, compliant with FAA, State & Federal regulations and accessory to general aviation facility uses located within South Portland. The combined total fuel storage capacity of all aviation and jet fuel storage tanks in that portion of the Portland International Jetport that is located within the municipal boundaries of South Portland shall not exceed 50,000 gallons (see also Sec. 27-1517) regarding above ground storage tanks as well as other pertinent provisions of the Code). Transportation of fuel to storage tanks in that portion of the Portland International Jetport that is located within the municipal boundaries of South Portland shall be permitted only via Jetport Plaza Road.

- (i) Day Spa.
- (j) Spa Training School, excluding dormitories.
- (k) Research and development laboratories and offices.
- (l) Post-Secondary or adult educational Services.
- (m) Medium-scale ground-mounted solar energy systems.

Sec. 27-903. Special exceptions (IL).

- (a) Wholesale trade.
- (b) Warehousing and distribution facilities.
- (c) Public utility buildings, including substations, pumping stations and compressor stations.
- (d) Government buildings and uses other than professional offices and office complexes.
- (e) Community buildings and/or grounds for games, recreation or sports, provided that any such use does not generate a volume or frequency of traffic that is incompatible with the purpose of this district as set forth in Sec. 27-901 above.
- (f) Membership sports or recreation clubs.
- (g) Retail trade, ancillary to and located in a structure housing a permitted use or special exception (a) through (f).
- (h) Personal services, ancillary to and located in a structure housing a permitted use or special exception (a) through (f).

(i) Restaurants, provided that there shall be no drive-through restaurants, ancillary to and located in a structure housing a permitted use or special exception (a) through (f).

(j) Large-scale ground-mounted solar energy systems.

...

Shipyards District S

...

Sec. 27-922. Permitted uses (S).

The following uses are permitted in the Shipyards District S:

- (a) Business and professional offices and office complexes.
- (b) Business services.
- (c) Financial services.
- (d) Hotels, motels, and inns.
- (e) Restaurants and other places for the serving of food or beverages, provided, however, such facilities may not be open between the hours of 1:00 a.m. and 6:00 a.m.
- (f) Light industrial uses.
- (g) Petroleum storage tank farms and accessory piers, pumping & distribution facilities as governed by all applicable sections of the Code.
- (h) General bottled gas distribution and bottling of non-flammable and non-toxic gases.
- (i) Marine uses.
- (j) Piers and wharves used for permitted uses of this zoning district.
- (k) Accessory buildings and uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and child, adult or combined day care centers, and including telecommunication antennas, except that such antennas may not be placed on exempt towers, and provided that no premises shall be used for both the washing of motor vehicles and the sale or dispensing of gasoline or any flammable liquids.
- (l) Municipal parks.
- (m) Public utility buildings, including substations, pumping stations and compressor stations.
- (n) Storing and handling of petroleum and/or petroleum products subject to the provisions of Sec. 27-1517, excluding automobile filling stations; provided,

however, that any such storing and handling of petroleum and/or petroleum products shall not include the bulk loading of crude oil onto any marine tank vessel.

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

Sec. 27-923. Special exceptions (S).

The following uses are permitted as special exceptions only if any such use conforms to Article XIV of this Chapter and all other applicable ordinances and regulations of the City of South Portland:

- (a) Wholesale trade.
- (b) Warehousing and distribution facilities.
- (c) Government buildings and uses other than professional offices and office complexes.
- (d) Community buildings and/or grounds for games, recreation or sports.
- (e) Membership sports or recreation clubs.
- (f) Retail businesses and service establishments, other than business and financial services as permitted above, exclusive of junkyards and salvaging operations.
- (g) Monopole telecommunication towers.
- (h) Piers and wharves used for special exception uses of this zoning district.
- (i) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (j) Large-scale ground-mounted solar energy systems.

...

Industrial District I

...

Sec. 27-942. Permitted uses (I).

- (a) In industrial districts no building shall be erected, altered or used and no premises shall be used except for one or more of the purposes listed below:
 - (1) Manufacturing, storing and distributing: Any manufacturing, processing and assembling operations; research and development; storing, warehousing and distributing; transportation terminals and rights-of-way; shops of tradesmen; and operations clearly similar in nature to the specific uses named above. The storing and handling of petroleum and/or petroleum products is governed by Sec. 27-1517.

The applicant for a building or occupancy permit shall show by written exhibit attached to the application for permit that the use shall not be noxious, offensive

or detrimental to the vicinity or to the city by reason of special danger of fire or explosion, pollution of waterways, emission of corrosive, toxic or noisome fumes, gas, smoke, soot, obnoxious dust, disagreeable odors, offensive noises or vibrations or other objectionable characteristics, provided that on petition, after a refusal of permit by the Building Inspector, the Board of Appeals may issue a permit for a use which, in its judgment and because of special conditions imposed by it, will not be dangerous or detrimental to the neighborhood.

- (2) Accessory buildings and uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and telecommunication antennas, except that such antennas may not be placed on exempt towers, and provided that no premises shall be used for both the washing of motor vehicles and the sale or dispensing of gasoline or any flammable liquids.
- (3) Any use permitted in Commercial District C Zone provided that all residential uses shall meet the space and bulk regulations set forth in Sec. 27-946.
- (4) Child, adult or combined day care centers.

Sec. 27-943. Special exceptions (I).

- (a) Municipal buildings and municipal uses.
- (b) Pumping stations, compressor stations, substations, sewerage treatment facilities and public utility facilities.
- (c) Extractive industry subject to the performance standards of this Chapter.
- (d) Automotive filling stations provided that gasoline pumps or other service appliances shall not extend nearer than twenty-five (25) feet to the street line and that no unlicensed vehicles, or junked or wrecked vehicles will be permitted to be parked or stored on the premises, and no trucks, trailers, or buses will be permitted to remain parked upon the premises unless being worked upon or being serviced by employees of the station.
- (e) Monopole telecommunication towers.
- (f) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
- (g) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (h) Medium- and large-scale ground-mounted solar energy systems.

...

Non-Residential Industrial District INR

...

Sec. 27-962. Permitted uses (INR).

The following uses are permitted in the non-residential industrial district (INR):

- (1) Manufacturing, storing and distributing: Any manufacturing, processing and assembling operations; research and development; storing, warehousing and distributing; transportation terminals, and rights-of-way; shops of tradesmen; and operations clearly similar in nature to the specific uses named above. The storing and handling of petroleum and/or petroleum products is governed by Sec. 27-1517.

The applicant for a building or occupancy permit shall show by written exhibit attached to the application for permit that the use shall not be noxious, offensive or detrimental to the vicinity or to the city by reason of special danger of fire or explosion, pollution of waterways, emission of corrosive, toxic, obnoxious, offensive or noisome fumes, gas, smoke, soot, dust, or creation of odors, offensive noises or vibrations or other objectionable characteristics, provided that on petition, after a refusal of permit by the Building Inspector, the Board of Appeals may issue a permit for a use which, in its judgment and because of special conditions imposed by it, will not be dangerous or detrimental to the vicinity.

- (2) Accessory buildings and uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (3) Any use permitted in Commercial District C Zone, provided that no residential uses shall be allowed in the Non-Residential Industrial District (INR).
- (4) Child, adult or combined day care centers.
- (5) Telecommunication towers. Site plan approval by the Planning Board is required.
- (6) Meteorological tower (MET tower) on property identified by the City of South Portland as Assessor's Map 56, Lot 4D.
- (7) Medium- and large-scale ground-mounted solar energy systems.

...

ARTICLE X. Residential Conditional/Contract Districts

Conditional Residential Use District A-1

...

Sec. 27-1002. Permitted uses (A-1).

In the Conditional Residential Use District A-1 the following uses shall be permitted:

- (a) Single-family detached dwellings, exclusive of mobile homes.
- (b) Pre-existing farms.

- (c) Churches, parish houses, public or parochial schools, libraries, museums, fire stations.
- (d) Accessory uses including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, home occupations, and telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (e) Cable television facilities in existence on February 1, 1997 or for which an application has been submitted to the City by February 1, 1997, including studios and other buildings, structures or uses necessary or accessory to the operation of a cable television system, provided that such system be operated under a franchise from the City of South Portland. Cable television signal towers and transmitters in existence as of February 1, 1997 or for which an application has been submitted to the City by February 1, 1997, also are permitted; the installation after that date on such towers of telecommunication antennas, involving transmission as well as reception of radio waves, for public radio service, or common carrier services, is not permitted.
- (f) Driveway access through the Conditional Residential Use District A-1 to the Non-Residential Industrial District (INR) to serve a non-residential use in the INR District provided that:
 - (1) the parcel of land in the INR District is in the same ownership;
 - (2) each parcel of land may be served by only one driveway;
 - (3) a driveway serving any such non-residential use in the INR District shall be continuously paved for a minimum of 50 feet from Highland Avenue; and
 - (4) a driveway serving any such non-residential use in the INR District shall be approved by the Planning Board if the proposed use requires subdivision or site plan approval.

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:

- (a) Municipal buildings and municipal uses other than those included in Sec. 27-1002 above.
- (b) Public utility facilities including substations, pumping stations and sewage treatment facilities.
- (c) Nursing homes, exclusive of mental care.
- (d) Funeral homes and cemeteries.
- (e) Private educational facilities.
- (f) Beauty parlors and beauty shops, provided that such activities are conducted as home occupations only, subject to the terms and conditions contained in the definition of home occupation set forth in Sec. 27-201 and subject to the further condition that such

activity shall not be conducted utilizing more than two (2) chairs serving more than two (2) customers at any given time.

- (g) Recreational or community activity buildings, grounds for games or sports except those operated for a profit.
- (h) Commercial greenhouses with accessory uses incidental and subordinate thereto; provided, however, the sale or rental of manufactured or handmade goods must remain clearly subordinate to the raising and sale of plant goods.
- (i) Community homes, which shall be permitted unless in the judgment of the Planning Board there is documented evidence that one or more of the conditions listed in Sec. 27-1405 of this Chapter cannot be satisfactorily met.
- (j) Telephone answering services, provided that such activity shall be subject to the terms and conditions contained in the definition of home occupation set forth in Sec. 27-201, except that such activity must be carried on by a member of the family either owning or residing in the dwelling unit and except that paragraph (b) of said home occupation definition shall not apply.
- (k) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
- (k) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (l) Medium-scale ground-mounted solar energy systems.

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Conditional Shipyard District S-1

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Sec. 27-1014. Permitted Uses (S-1).

In the Conditional District S-1, the following uses shall be permitted:

- (a) Congregate care and assisted living facilities containing multi-family dwellings for the frail elderly and handicapped. "Assisted living facilities" shall mean residential facilities for the frail elderly that provide rooms, meals, personal care, supervision of self administered medication and other related services, but not including dependent, convalescent or nursing home care.
- (b) Public and private educational facilities.
- (c) Child, adult or combined day-care centers.
- (d) Accessory uses, limited to services provided to residents of the facility and their family members and care providers, including roof-mounted solar energy systems and small-scale ground-mounted solar energy systems, but not including home occupations.
- (e) Office uses for management of the congregate housing and assisted living facilities and for related public and private housing management services
- (f) Walking or jogging paths consistent with the City's Green Belt Walkway Plan.

Sec. 27-1014.5. Special exceptions (S-1).

In the Conditional Shipyard District S-1, the following uses shall be permitted as special exceptions according to the provisions of Article XIV of this Chapter:

- (a) Medium- and large-scale ground-mounted solar energy systems.

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Conditional Residential Use District G-1

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Sec. 27-1033. Permitted Uses (G-1).

In the Conditional Residential Use District G-1 the following uses shall be permitted:

- (a) Dwellings, exclusive of mobile homes.
- (b) Public and private educational facilities including child, adult or combined day care centers.
- (c) Accessory uses including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and home occupations.
- (d) Any use permitted in Residential District A zone.

Sec. 27-1034. Special Exceptions (G-1).

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

- (a) A local retail store, exclusive of a drive-through intended specifically for the convenience and service of residents of the immediate area. A local retail store is defined under this section as a retail establishment offering for sale prepackaged food products, beverages, tobacco products, household items, newspapers and magazines, sandwiches and other freshly prepared foods, such as salads. No gasoline pumps are permitted. No exterior storage of materials, supplies, inventory or equipment associated with the use is permitted except for an ice machine and a secure residential propane tank exchange locker. Hours of operation are limited to 6:00 A.M. to 10:00 P.M. One outdoor banner or pennant is permitted not to exceed thirty (30) square feet. This use is limited to the property identified as Assessor's Map 59, Lot 24 as of the April 1, 2000 assessment date.
- (b) Personal services. For the purposes of this Article only, personal services shall be defined as establishments primarily engaged in providing services generally involving the care of the person or his/her apparel. This use is

limited to the property identified as Assessor's Map 59, Lot 24 as of the April 1, 2000 assessment date.

- (c) Medical and professional offices, exclusive of drive-throughs. This use is limited to the property identified as Assessor's Map 59, Lot 24 as of the April 1, 2000 assessment date.
- (d) Municipal buildings and municipal uses.
- (e) Public utility facilities including substations and pumping stations.
- (f) Recreational or community activity buildings, grounds for games or sports except those operated for a profit.
- (g) Charitable and philanthropic organizations.
- (h) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (i) Medium- and large-scale ground-mounted solar energy systems.

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Contract Residential District G-2

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Sec. 27-1042. Permitted uses (G-2).

In the Contract Residential District G-2, the following uses shall be permitted:

- (a) Multifamily dwellings for the elderly and handicapped;
- (b) Accessory uses, including roof-mounted solar energy systems and small-scale ground-mounted solar energy systems, but not including home occupations;
- (c) Recreation areas open to the public; and
- (d) Child, adult or combined day care centers.

Sec. 27-1043. Special exceptions (G-2).

In the Contract Residential District G-2, the following uses shall be permitted as special exceptions according to the provisions of Article XIV of this Chapter:

- (a) Congregate housing or congregate care facilities.
- (b) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (c) Medium- and large-scale ground-mounted solar energy systems.

...

Conditional Residential and Limited Commercial Use District G-3
Sec. 27-1053. Permitted Uses (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, the following uses shall be permitted:

- (a) Dwellings, including condominiums and multi-family residential structures, elderly housing, veteran and/or student housing.
- (b) Public and private educational facilities, including child, adult, or combined facilities.
- (c) Recreational or community activity buildings, grounds for games or sports except those operated for a profit.
- (d) Municipal buildings and municipal uses.
- (e) Medical and professional offices.
- (f) Local retail stores and businesses, not exceeding twenty-five hundred (2,500) square feet of floor area and not including gas stations and outdoor sales.
- (g) Museums and cultural facilities.
- (h) Public utility facilities, including substations, pumping stations and sewage treatment facilities.
- (i) Accessory structures and uses, including roof-mounted solar energy systems and small-scale ground-mounted solar energy systems.

Sec. 27-1053.5. Special exceptions (G-3).

In the Conditional Residential Use District G-3, the following uses shall be permitted as special exceptions according to the provisions of Article XIV of this Chapter:

- (a) Medium- and large-scale ground-mounted solar energy systems.

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Conditional Residential Use District G-4

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Sec. 27-1060. Permitted Uses (G-4).

In the Conditional Residential Use District G-4, the following uses shall be permitted:

- (a) Dwellings, exclusive of mobile homes.
- (b) Public and private educational facilities, including child, adult, or combined facilities.
- (c) Accessory uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and home occupations.

Sec. 27-1061. Special Exception Uses (G-4).

In the Conditional Residential Use District G-4, the following uses shall be permitted as special exceptions according to the provisions of Article XIV of this Chapter:

- (a) Farmers' market subject to the provisions of Sec. 27-1580 et. seq.
- (b) Medium-scale ground-mounted solar energy systems.

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ARTICLE XII. Mixed-Use, Commercial, Industrial Conditional/Contract Districts

Conditional Armory Zone CAZ

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Sec. 27-1203. Permitted uses (CAZ).

In the Conditional Armory Zone, the following uses shall be permitted on the Lot 158 parcel:

- (a) Automotive filling stations provided that gasoline pumps or other service appliances shall be located behind the retail store; such facilities may not be open to the public between the hours of 11:00 p.m. and 5:00 a.m., and the facility shall not be used as an automotive repair shop. Auditory advertisements are not permitted.
- (b) Municipal buildings and municipal uses.
- (c) Personal services.
- (d) Business and professional offices.
- (e) Restaurants and other places for the serving of food or beverages, provided, however, such facilities may not be open between the hours of 11:00 p.m. and 5:00 a.m. Restaurant drive-through facilities are not permitted.

- (f) Local retail stores, provided however, such facilities may not be open between the hours of 11:00 p.m. and 5:00 a.m.
- (g) Child, adult or combined care centers.
- (h*i*) Charitable and philanthropic organizations
- (i) Accessory uses, including roof-mounted solar energy systems and small-scale ground-mounted solar energy systems.

Sec. 27-1203.5. Special exceptions (CAZ).

In the Conditional Armory District CAZ, the following uses shall be permitted as special exceptions according to the provisions of Article XIV of this Chapter:

- (a) Medium- and large-scale ground-mounted solar energy systems.

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Conditional Non-Residential Industrial Municipal Solid Waste Transfer District INR-MSW-1

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Sec. 27-1245. Uses; review; space and bulk (INR-MSW-1).

In addition to the uses permitted in the underlying INR District, the following shall be a permitted use in this zoning district:

1. Transfer station for municipal solid waste.
2. Roof-mounted solar energy systems and small-, medium-, and large-scale ground-mounted solar energy systems.

In all other respects, the permitted, special exception and prohibited uses shall be the same as the INR District.

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ARTICLE XIII. Shoreland Overlay Districts

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DIVISION 3. PERFORMANCE STANDARDS AND DISTRICT REQUIREMENTS.

Sec. 27-1321. Land Uses in the Shoreland Area.

- A. Except for the Shoreland Resource Protection Overlay Subdistrict, all permitted uses and special exception uses within the zoning district underlying the Shoreland Area Overlay District may be commenced, maintained, enlarged or expanded as provided in this Chapter unless that use is restricted or prohibited by the other provisions of this Article including the floodplain management provisions of Sec.27-1322 and Article IV of Chapter 5. Within the Shoreland Resource Protection Overlay Subdistrict, only those uses listed in subsection (B) below are permitted.
- B. Only the following uses are permitted in the Shoreland Resource Protection Overlay Subdistrict, and all other uses allowed in the underlying district(s) as permitted uses and special exception uses are prohibited:
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking;
 2. Motorized and non-motorized vehicular traffic on existing roads, trails and rails;
 3. Hiking trails, inactive trails, bridle paths, pedestrian trails and walkways;
 4. Forest management activities;
 5. Fire prevention activities;
 6. Wildlife management activities;
 7. Soil and water conservation activities;
 8. Surveying and resource analysis;
 9. Emergency Operations;
 10. Agriculture and harvesting of wild crops;
 11. Non-residential facilities for educational, scientific or nature interpretation purposes;
 12. Buildings accessory to existing residential buildings and to uses permitted herein;
 13. Temporary piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland;
 14. Permanent piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland;
 15. Public and private recreational areas involving minimal structural development;
 16. Parking facilities where the resource protection designation is due to floodplain criteria;

17. Public utility structures;
18. Clearing of vegetation;
19. Filling and earth-moving activities; and
20. Signs.
21. Roof-mounted solar energy systems.
22. Ground-mounted solar energy systems not located in wetlands of special significance and no larger than the size permitted in the underlying zoning district.

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Site Plan Review

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Sec. 27-1422. Requirement; applicability.

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(c) Site plan review shall be required for the following activities:

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(9) Medium- and large-scale ground-mounted solar energy systems. Roof-mounted systems and small-scale ground-mounted systems are not subject to site plan review except as may be required if special exception approval is needed.

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Sec. 27-1424. Application.

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(b) Each application for a site plan permit shall consist of the following:

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(5) Supplemental information for medium- and large-scale ground-mounted solar energy systems:

(a) Plan drawings of the solar energy system signed by a Professional Engineer licensed to practice in the State of Maine showing the proposed layout of the system, any potential shading from nearby structures, the distance between proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector.

(b) Documentation of the major system components to be used, including the panels, mounting system, and inverter(s).

- (c) For grid-intertie photovoltaic systems, evidence of meeting the local electric utility's transmission and distribution interconnection requirements for generation. This can be a Site Plan Condition of Approval if evidence is provided that the necessary application has been accepted for review by the utility.
- (d) Name, address, and contact information of the proposed system installer, the project proponent, project proponent agent, and all co-proponents or property owners, if any.
- (e) For large-scale solar energy systems, the following additional information is required:
 - (1) A one- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods.
 - (2) An operations and maintenance plan per Sec. 27-1807(e)(1).

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ARTICLE XV. Standards

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Performance Standards – General

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Sec. 27-1521. Accessory wind energy generation facilities.

- ~~(a) Ground-mounted solar photovoltaic installations may not exceed a maximum rated output of electrical power production in direct current (DC) of 250 kW.~~
- (~~a~~b) Wind energy systems may be roof-mounted or, under certain conditions, free-standing. Free-standing wind energy systems are only allowed on lots greater than 0.5 acre in size and may not exceed the height of the zone or 45 feet, whichever is less. Other space and bulk standards notwithstanding, the setback from any property line for a free-standing wind energy system shall be a minimum of 110% of the height of the system. In all cases, the noise standards set out in Chapter 30, Control of Noise from New Development, shall be met.

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ARTICLE XVIII. SOLAR ENERGY SYSTEMS

Sec. 27-1801. Purpose.

- (a) Solar energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.

- (b) The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is a priority and is a necessary component of the City's current and long-term sustainability agenda.
- (c) The standards that follow enable the accommodation of solar energy systems and equipment in a safe manner with minimal impacts on the quiet enjoyment of property.

Sec. 27-1802. Definitions.

The following definitions pertain to terms used in this Article:

Building-Integrated Photovoltaic (BIPV) Systems. A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.

Electricity Generation (production, output). The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).

Electrical Equipment. Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended location.

Mounting. The manner in which a solar PV system is affixed to the roof or ground (i.e., roof mount, ground mount, pole mount).

Photovoltaic (PV) System. A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system may be roof-mounted, ground-mounted, or pole-mounted.

Pole-Mount System. A solar energy system that is directly installed on specialized solar racking systems, which are attached to pole, which is anchored and firmly affixed to a foundation in the ground, and wired underground to an attachment point at the building's meter. Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.

Power. The rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in Watts (W), kilowatts (kW), Megawatts (MW), etc.

Solar Array. Multiple solar panels combined together to create one system.

Solar Collector. A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation electricity or transfer of stored heat.

Solar Energy System. See Sec. 27-201.

Solar Energy System, Active. See Sec. 27-201.

Solar Energy System, Grid-Intertie. A photovoltaic system that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted. See Sec. 27-201.

Solar Energy System, Large-Scale. See Sec. 27-201.

Solar Energy System, Medium-Scale. See Sec. 27-201.

Solar Energy System, Roof-Mounted. See Sec. 27-201.

Solar Energy System, Small-Scale. See Sec. 27-201.

Solar Glare: The potential for solar panels to reflect sunlight, with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Solar Photovoltaic (Solar PV) System. Solar systems consisting of photovoltaic cells, made with semiconducting materials, that produce electricity (in the form of direct current (DC)) when they are exposed to sunlight. A typical PV system consist of PV panels (or modules) that combine to form an array; other system components may include mountain racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries.

Solar Panel (or module). A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).

Solar Thermal System (Solar Hot Water or Solar Heating Systems). A solar energy system that directly heats water or other liquid, or air, using sunlight.

Tilt. The angle of the solar panels and/or solar collector relative to horizontal. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon. True solar noon is when the sun is at its highest during its daily east-west path across the sky (this is also known as 0° Azimuth). Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round

Sec. 27-1803. Applicability.

- (a) **Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, the requirements of this Article shall apply to all roof-mounted, small-, medium-, and large-scale ground-mounted solar energy systems modified or installed after January 1, 2017.**
- (b) **All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.**

- (c) Any upgrade, modification or structural change that materially alters the size, placement or output of an existing solar energy system shall comply with the provisions of this Article.
- (d) For purposes of this Article, the City's zoning districts are categorized as follows:
 - (1) **Residential Zoning Districts.** Residential zoning districts include: RF, AA, A, G, VR, RT, A-1, S-1, G-1, G-2, G-3, and G-4.
 - (2) **Mixed-Use Zoning Districts.** Mixed-use zoning districts include: LB, VC, VCW, SP, CS, PO, C, I, MSCC, VE, BC, and MCC.
 - (3) **Non-Residential Commercial/Industrial Zoning Districts.** Non-residential commercial/industrial districts include: CG, CCRT, CCR, S, IL, INR, CAZ, CPCCR, INR-MSW-1.

Sec. 27-1804. Permitting.

- (a) No solar energy system or device shall be installed or operated in the City except in compliance with this Article Ordinance.
- (b) Solar-thermal, building-integrated, roof-mounted, and small-scale ground-mounted solar energy systems are permitted in all zoning districts subject to the dimensional standards of Sec. 27-1805. All such systems must obtain building permits.
- (c) Medium- and large-scale ground-mounted solar energy systems are permitted or special exception uses in some of the City's zoning districts, as found in the regulations for the individual zoning districts, subject to the requirements of this Article.

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.
 - (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.

(b) Setbacks for Ground-Mounted Solar Energy Systems

Notwithstanding any other provision in this Ordinance to the contrary, the setbacks for ground-mounted solar energy systems shall be as follows:

Minimum front yard: In residential zoning districts, one hundred (100) feet. In mixed use and non-residential zoning districts, whatever the front yard setback is for that zoning district, but in no event less than thirty (30) feet.

Minimum rear yard: Whatever the rear yard setback is for accessory buildings in that zoning district.

Minimum side yard: Thirty (30) feet.

(c) Lot Coverage

Only the paved or otherwise impervious areas of sites on which ground-mounted solar energy systems are installed shall be counted in the lot coverage calculation.

Sec. 27-1806. Standards for Roof-Mounted and Small-Scale Ground-Mounted Solar Energy Systems.

(a) Roof-mounted and building-mounted solar energy systems and equipment shall be permitted only if they are determined by the Code Enforcement Officer, with input from the City Engineer and the Fire Chief, not to present any unreasonable safety risks, including, but not limited to, the following:

- (1) Weight load;
- (2) Wind resistance;
- (3) Ingress or egress in the event of fire or other emergency; and
- (4) Proximity of a ground-mounted system relative to buildings.

(b) All solar energy system installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of National Fire Protection Association (NFPA) 1, Fire Prevention Code.

(c) All wiring shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Electrical Code (NFPA 70).

(d) Prior to operation, electrical connections must be inspected and approved by the Electrical Inspector.

(e) Any connection to the public utility grid must be inspected and approved by the appropriate public utility.

(f) Notwithstanding any other provision of this Article to the contrary, any solar energy system installation on non-residential or multi-family properties completed prior to January 1, 2017 shall be required to comply with the photovoltaic system "marking"

requirements contained in the latest edition of NFPA 1, Fire Prevention Code, on or before April 1, 2018. The Code Enforcement Officer shall endeavor to notify all affected property owners of this requirement on or before April 1, 2017, but failure of an affected property owner to receive such notice shall not relieve the property owner from compliance with this subsection.

- (g) If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the twelve-month period.
- (h) Each solar energy installation shall be maintained as necessary to ensure that it is operating safely and as designed over its useful lifetime.

Sec. 27-1807. Additional Standards for Medium- and Large-Scale Ground-Mounted Solar Energy Systems.

In addition to the standards in Sec. 27-1806, medium- and large-scale ground-mounted solar energy systems shall comply with the following:

- (a) Utility Connections – Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- (b) Safety – The solar system owner shall provide a copy of the site plan review application to the Fire Chief for review and comment. The Fire Chief shall base any recommendation for approval or denial of the application upon review of the fire safety of the proposed system.
- (c) Visual Impact – Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
- (d) Glare - Solar panels are designed to absorb (not reflect) sunlight; and, as such, solar panels are generally less reflective than other varnished or glass exterior housing pieces. However, solar panel placement should be prioritized to minimize or negate any solar glare onto nearby properties or roadways, to the extent practical.
- (e) Additional Standards for Large-Scale Solar Energy Systems
 - (1) Operations & Maintenance Plan – the project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar energy system, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.

- (2) Signage – Signs on large-scale ground-mounted solar energy systems shall comply with the regulations in Sec. 27-1561 et. seq. of this Chapter. A sign meeting those regulations shall be required to identify the owner and provide a 24-hour emergency contact phone number.
- (3) Emergency Services – The large-scale ground-mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with the Fire Department in developing an emergency response plan. All means of shutting down the system shall be clearly marked. The owner or operator shall provide to the Code Enforcement Officer the name and contact information of a responsible person for public inquiries throughout the life of the installation.
- (4) Installation Conditions – The large-scale ground-mounted solar energy system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road(s), unless accepted as a public way.
- (5) Removal – Any large-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned consistent with this ordinance shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (a) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (6) Abandonment, Guarantee.
 - (a) Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without having first obtained the written consent of the Code Enforcement Officer.

- (b) At the time of approval, the applicant for a new large-scale ground-mounted solar energy system shall submit to the City an evergreen performance guarantee, to be approved by Corporation Counsel, in the amount of 150% of the estimated demolition cost of the system, such cost to be determined by the City Engineer or other duly designated person. The owner may apply to the Planning Board for release of the guarantee at such time that it or its assigns remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the City Engineer.
- (c) If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City retains the right to use the performance guarantee and all other available means to cause an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system to be removed.

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Fiscal Note: Less than \$1,000

Dated: February 6, 2017