



GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET



Meeting Date	02/02/2022	Department	Planning/Economic Dev
Agenda Item	4.b) Consideration of a Second Read and possible approval of proposed amendments to the Land Use Ordinance (LUO) regarding Accessory Solar Arrays (ASA)		
Est. Cost	n/a		

Background Information	<p>This is the Second and final Read of proposed amendments to the Land Use Ordinance (LUO) regarding Accessory Solar Arrays (ASA)</p> <p>The City currently regulates what we have called Solar Electric Production Facilities or SEPFs. These are solar facilities where the electricity is being generated solely as a commercial enterprise. During the discussion of revising the standards for SEPFs that were recently adopted, the need for standards for solar arrays that serve and are accessory to another use (such as when a property owner or business adds solar collectors on their property) has been raised. A memo from City Planner Eyerman is attached to this agenda item.</p>
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Requested Action	"I move to approve the proposed amendment to approve proposed amendments to the Land Use Ordinance (LUO) regarding Accessory Solar Arrays (ASA)."
City Manager and/or Finance Review	Acting City Manager approves the above motion.
Council Vote/ Action Taken	
Departmental Follow-Up	

City Clerk Use Only	1 st Reading <u>01/19/2022</u>	Advertised <u>01/06/2022</u>	EFFECTIVE DATE <u>03/04/2022</u>
	2 nd Reading <u>02/02/2022</u>	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

To: City Council
From: Ordinance Review Committee/Planning Board/Mark Eyerman
Subject: Accessory Solar Arrays
Date: November 16, 2021

The City currently regulates what we have called Solar Electric Production Facilities or SEPFs. These are solar facilities where the electricity is being generated solely as a commercial enterprise. During the discussion of revising the standards for SEPFs that were recently adopted, the need for standards for solar arrays that serve and are accessory to another use (such as when a property owner or business adds solar collectors on their property) has been raised. The Ordinance Review Committee has developed proposed amendments to address this type of solar installation based on the following:

- As with SEPFs there are two basic situations, building-mounted arrays and ground-mounted arrays with different issues.
- Installing solar panels on the roof of a structure is usually pretty straightforward especially with a pitched roof. The only issue for building/roof-mounted installations is the height of the panels above the roof especially for flat or minimally sloped roofs
- Installing a ground-mounted array for or near a residential structure potentially raises issues dealing with location and height of the array as well as the need for screening/buffering.

The proposed ordinance amendments do the following:

1. Create definitions for Accessory Solar Arrays and ASA – Ground-Mounted and ASA – Building Mounted
2. Add these uses to the Land Use Table and indicate where they are and are not allowed. The draft allows building mounted arrays anywhere in the City. Ground mounted arrays are allowed in the SLR, SL, R, RG, PIC, PD, ECR, MUV, PHD, and CPD and in the HDR with Planning Board Review.
3. Create performance standards for ASAs:
 - a. Require building mounted ASAs to extend not more than two feet from the roof or wall on which they are mounted
 - b. Limit the height of ground-mounted arrays to 12 feet when the array is visible from a residential lot
 - c. Prohibit the installation of ground-mounted ASAs in a required setback or within 25 feet of a residential property line

- d. Prohibit the installation of a ground-mounted ASAs between the front property line and the front of the building except in the PIC District or where the array will be more than 100 feet from the road R-O-W to address nonresidential and rural situations
- e. Require that any ground-mounted ASA that is located within 100 feet of a residential use be screened

The Planning Board held a public hearing on the proposed amendments and are recommending that they be adopted.

September 14, 2021

Draft Amendments to the Land Use Ordinance Accessory Solar Arrays

Proposed additions to the ordinance are underlined;
proposed deletions are ~~struckout~~

1. Amend SECTION 17 DEFINITIONS by adding definitions of Accessory Solar Array, Accessory Solar Array – Building-Mounted and Accessory Solar Array – Ground Mounted in proper alphabetical order to read:

- **Accessory Solar Array:** An installation that produces electricity through the use of solar technology that is accessory to the principal use of the property in which the electricity generated by the array is intended to primarily benefit the owner or occupant(s) of the lot on which the array is located.
- **Accessory Solar Array – Building-Mounted:** An Accessory Solar Array that is mounted on the roof or exterior wall surface of a building.
- **Accessory Solar Array – Ground-Mounted:** An Accessory Solar Array that is mounted on the ground or on a supporting structure other than a building.

2. Amend Section 7.6.6 in the Land Use Table in Section 7.6 by adding Accessory Solar Array – Building-Mounted and Accessory Solar Array – Ground-Mounted to the table and designating in which zones those uses are allowed as follows:

3. Create a new Section 10.31 Accessory Solar Arrays in Section 10 SPECIAL ACTIVITY STANDARDS to read:

10.31 Accessory Solar Arrays

10.31.1 No part of an Accessory Solar Array that is mounted on the roof or exterior wall of a building shall project more than two (2) feet from the primary surface of the roof or wall.

10.31.2 No part of an Accessory Solar Array that is mounted on the ground or a supporting structure that is not part of a building shall project more than **twelve (12)** feet above the average grade of the ground beneath the array if any part of the array is visible from a residential use.

10.31.3 No part of a ground-mounted Accessory Solar Array shall be located within the required setbacks or within twenty-five (25) feet of the property line of a lot that is improved with a residential use.

10.31.4 No part of a ground-mounted Accessory Solar Array shall be located between the front property line of the lot and the line of the front wall of the building extended to the side or other property lines. This restriction shall not apply in the PIC District or when the front wall of the building is located more than one hundred (100) feet from the front property line.

10.31.5 A ground-mounted Accessory Solar Array shall be screened from view from public streets and all residential uses located within one hundred (100) feet of any portion of the solar array as measured from the closest part of the residential structure. The screening shall provide visual screening meeting the standards for Semi-Full Screen Options for property lines set out in **8.11.4.5.1**.