

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted March 28, 2023

Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by updating the Code to reflect changes in the community and in land use regulations.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-21.D.b., “Alternative Energy System”, by revising the placement of solar systems criteria to read as follows:

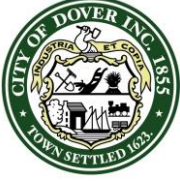
- i. The height of a roof mounted solar array panel shall not be counted towards the maximum permitted height of the structure it is affixed to of the underlying the zoning district and if on a pitched roof, matches the same pitch as the roof and is no more than ten inches above the roof. If the proposed rooftop solar array consists of mounted tracking panels, a Conditional Use Permit is required.
- ii. Ground-mounted solar panels, shall not be located in the front yard and shall meet or exceed required side and rear yard setbacks for accessory buildings.
- iii. In no case shall a Ground mounted units shall not exceed 20 feet or the height of the principle building whichever is shorter. However, with a Conditional Use Permit, Solar Trackers may be permitted up to the maximum building height allowed in the underlying zoning district plus five feet provided they are located to the rear of the principal building and not clearly visible from the public RIGHT-OF-WAY or 75' from any property line if lot is surrounded by RIGHTS-OF-WAY creating a hardship.
- iv. When solar storage batteries are included as part of the solar energy system, they must be housed in a secure space or enclosure meeting the requirements of the City's building and electrical codes when in use and, when no longer used, shall be disposed of in accordance with all applicable City, state and federal laws and regulations.
- v. The use of reflectors to enhance solar production is prohibited. ”

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-21 “ALTERNATIVE ENERGY SYSTEM” by adding subsection H. Location to read as follows:

“H. Conditional Use Permits

- (1) A Conditional Use Permit may be granted by the PLANNING BOARD to waive the HEIGHT limitation only if the intent of this Chapter is preserved (e.g. when it can be shown that there would be no increase in adverse impact) and a written narrative is provided demonstrating that the HEIGHT would:
 - (a) Not be detrimental to the public safety, health or welfare or injurious to other property, and will promote public interest.
 - (b) Demonstrate a projected and quantified solar energy production benefit for allowing the extra height
 - (c) Any impacts on abutters are mitigated
 - (d) Not be within 75' of the arterial or connector road



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- (e) Not be clearly visible from the public right-of-way
- (f) Not cause glare on abutting structures or roadways
- (g) Have all power and communication lines between the solar infrastructure and the point of interconnection be buried underground or otherwise screened from view.

4. TAKES EFFECT

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Fergus Cullen
City Council Planning Board
Representative

Approved as to Legal
Form and Compliance: Joshua M. Wyatt
City Attorney

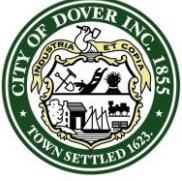
Recorded by: Susan Mistretta
City Clerk

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Robert Carrier		
Deputy Mayor Dennis Shanahan, Ward 5		
Councilor Michelle Moffet Lipinski, Ward 1		
Councilor, Robert Hinckle, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Lindsey Williams, At Large		
Councilor Linea Nemeth, At Large		
Total Votes:		
Resolution does does not pass.		



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ORDINANCE BACKGROUND MATERIAL: