

10.122 Sustainability Objectives

This Ordinance is intended to promote **sustainable** and balanced **development** in support of the following **sustainability** objectives:

1. Reduce dependence upon fossil fuels, extracted underground metals and minerals **and promote the use of alternative energy sources such as solar and wind**;
2. Reduce dependence on chemicals and other manufactured substances that accumulate in nature;
3. Reduce dependence on activities that harm life-sustaining ecosystems; and
4. Meet the hierarchy of present and future human needs fairly and efficiently.

Section 10.810 Residential and Institutional Residence or Care Uses

10.811 Accessory Uses to Permitted Residential Uses

10.811.10 The following **uses** are permitted as **accessory uses** to permitted residential **uses**, in addition to those **accessory uses** listed in Section 10.440:

- (a) The keeping of dogs and cats and other **household pets**, but not including **kennels**.
- (b) **Yard sale**.

- (c) The **outdoor storage** of one travel trailer or camper that is not used for occupancy or business purposes. The connection of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper for any continuous period exceeding 48 hours shall be prima facie evidence that it is being used for habitation or business purposes.

- (d) Roadside stand or display area in conjunction with a farm for the sale of products raised on the premises by the owner or lessee thereof provided that all the following conditions are met:
 - (1) Such stand or display area shall not cover more than 150 square feet of **gross floor area** or ground area.
 - (2) Such stand or display area shall be located at least 30 feet from the **street** right-of-way.
 - (3) Adequate **off-street parking** shall be provided and arranged in such a way that vehicles will not back into the **street**.

- (e) **EV fueling space A.**

- (f) **Roof-mounted Solar Energy Systems**, less than or equal in area to 100% of the roof area of the principal structure on the lot.

- (g) **Ground-mounted Solar Energy Systems**, less than or equal in area to 100% of the footprint (SF) of the principal structure on the lot, or that area which, together with the lot's coverage for existing buildings and structures, does not exceed the maximum lot coverage allowed in that zone, whichever is less.

10.5A43.30 Building and Story Heights

10.5A43.32 A roof appurtenance may exceed the maximum allowed building height as specified on Map **10.5A21B** (Building Height Standards) by 10 feet, subject to the following:

- (a) All roof appurtenances and other features that exceed the allowed building height for the zoning district shall not exceed 33 percent of the total roof area of the structure and, except for elevators, stair

towers, and decorative railing no taller than four feet in height, shall be set back at least 10 feet from any edge of the roof.

(b) Outside the Historic District, **Roof-mounted solar energy panels systems** shall not be subject to the 33 percent limitation or the edge of roof setback. ~~provided that they are not visible from a point 20 feet above the edge of the street right-of-way on the opposite side of the street.~~

(c) Inside the Historic District, **Roof-mounted solar energy panels systems** shall not be subject to the 33 percent limitation or the edge of roof setback.

(d) The area of roof appurtenances that comply with this section shall not be considered as part of the building's gross floor area calculations.

10.517 Roof Appurtenances and Other Rooftop Features

10.517.30 All roof appurtenances and other features that exceed the allowed structure height for the zoning district shall not exceed 33 percent of the total roof area of the structure and, except for elevators and stair towers, shall be set back at least 10 feet from any edge of the roof.

10.517.31

- (a) Outside the Historic District, **Roof-mounted solar energy panels systems** shall not be subject to the 33 percent limitation or the edge of roof setback. ~~provided that they are not visible from a point 20 feet above the edge of the street right-of-way on the opposite side of the street.~~
- (b) Inside the Historic District, **Roof-mounted solar energy panels systems** shall not be subject to the 33 percent limitation or the edge of roof setback

Add to Article 15 - Definitions

Building coverage

The aggregate horizontal area or percentage (depending on context) of a lot or development site covered by all **buildings** and **structures** on the **lot**, excluding

- (a) gutters, **cornices** and eaves projecting not more than 30 inches from a vertical wall, and
- (b) **structures** less than 18 inches above ground level (such as decks and patios);
- (c) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the **building** face;
- (d) fences; and
- (e) mechanical system (i.e. HVAC, power generator, etc.) ~~that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet.~~

Roof appurtenance

A device or **structure** not designed for human occupancy, attached to the exterior of the roof of a **building**, such as a stair or elevator tower, cooling tower, mechanical equipment housing, storage tank, antenna, **roof-mounted solar energy system** or similar equipment.

Solar Energy Systems

Any device or structural design feature, including accessory equipment associated with the system, whose primary purpose is to provide for the collection, generation, storage, or distribution of solar energy. This includes **Roof-mounted Solar Energy Systems** and **Ground-mounted Solar Energy Systems**.

Roof-mounted Solar Energy System

A solar energy system that is structurally mounted to the roof of a building or structure.

Ground-mounted Solar Energy System

A solar energy system that is structurally mounted to the ground and is not roof-mounted. The setback requirement shall be the highest point of the **Ground-Mounted Solar Energy System**.

Structure (including roof structure)

Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner. **Structures** include, but are not limited to, **buildings**, fences over 4 feet in height, **signs**, swimming pools and **Ground-mounted Solar Energy Systems**. (See also: **temporary structure**.)

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MROCD4- CD4-L2 L1	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
14.90 Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
15. Transportation and Utilities																	
15.10 Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building																	
15.11 Essential to service the area in which it is located	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S
15.12 Providing community-wide or regional service	N	N	N	N	N	N	N	N	S	N	N	N	N	N	S	S	

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4-L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	
15.20 Heliport or helipad																		
15.21 Helipad, as an accessory use to a permitted hospital use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	
15.22 Heliport	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
15.30 Ground-mounted Solar Energy System	CU	CU	N	N	N	N	N	CU	N	CU	CU	CU	N	N	CU	CU	CU	Installations that exceed the footprint area of the principal structure on a lot or those installed as a principal use.

From: [Kimberli Kienia](#)
To: [Kimberli Kienia](#)
Subject: FW: Meeting re solar last week
Date: Thursday, July 10, 2025 1:47:56 PM

-----Original Message-----

From: Effie Malley <effie.malley@gmail.com>
Sent: Wednesday, July 9, 2025 4:39 PM
To: Jillian Harris <jharris@portsmouthnh.gov>; Peter M. Stith <pmstith@portsmouthnh.gov>
Cc: Kate Cook <cookkc@gmail.com>; Fred Calcinari <fred.calcinari@icloud.com>; jesspblasko@gmail.com; Peter L. Britz <plbritz@portsmouthnh.gov>
Subject: Re: Meeting re solar last week

Hello Jillian and Peter,
Thanks for following up. At this point I don't have additional comments.
Effie

From: Jillian Harris <jharris@portsmouthnh.gov>
Date: Tuesday, July 8, 2025 at 1:37 PM
To: Effie Malley <effie.malley@gmail.com>, Peter M. Stith <pmstith@portsmouthnh.gov>
Cc: Kate Cook <cookkc@gmail.com>, Fred Calcinari <fred.calcinari@icloud.com>, jesspblasko@gmail.com <jesspblasko@gmail.com>, Peter L. Britz <plbritz@portsmouthnh.gov>
Subject: Re: Meeting re solar last week

Hello Effie, just following up after being out of the office for a little bit. The Planning Board will consider the solar zoning amendments that we discussed at their next meeting on July 17th. Peter will forward your suggested revisions below for review and if there are any additional comments please email them to both of us, and we will make sure they get to the Board for their consideration.

Jillian Harris, AICP

Principal Planner

Planning & Sustainability Department

City of Portsmouth

From: Effie Malley <effie.malley@gmail.com>
Sent: Monday, June 16, 2025 1:25 PM
To: Jillian Harris <jharris@portsmouthnh.gov>; Peter M. Stith <pmstith@portsmouthnh.gov>
Cc: Kate Cook <cookkc@gmail.com>; Fred Calcinari <fred.calcinari@icloud.com>; jesspblasko@gmail.com <jesspblasko@gmail.com>
Subject: Meeting re solar last week

Hi Jillian and Peter,

Thanks for meeting with the sustainability committee representatives and Councilor Cook to review and discuss the zoning amendments for solar energy systems. We appreciate your continuing efforts on this.

I had the following summary:

- * Table 10.440. Consider administrative approval (AP), rather than conditional use for ground-mounted solar, at least in some districts. An example of AP use was the recent zoning amendments for ADUs.

- * For ground-mounted solar systems, the committee would like to see development standards in the zoning code. The planning department addressed this previous to the meeting by adding reference to the zoning standards for structures.

- * ADD to 10.122 Sustainability Objectives (Consider adding something like the following example, based on SolSmart.)

Further this ordinance is to encourage the efficient and effective development and use of solar energy systems while protecting the public health, safety, and welfare of Portsmouth's citizens. Solar energy is a renewable energy resource and valuable economic resource that can be utilized throughout Portsmouth for the following purposes:

1) To implement the following objectives of the City's Master Plan...

2) To meet the goals of the Climate Action Plan...

3) To reduce greenhouse gas emission/achieve carbon reduction goals...

4) To enhance the reliability and resiliency of the local power grid and make more efficient use of the local electric distribution infrastructure.

5) To promote consumer choice and allow residents and businesses to use local, renewable energy while displacing fossil fuel generation.

6) To improve air quality and protect public health.

- * Changes to Article 15. Definitions

- * Solar energy system – add word “generation” to “purpose is to provide for...”

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- Consider use of two definitions for ground-mounted solar energy system for clarity and emphasis:

- Ground-mounted solar energy systems as an accessory use

- Ground-mounted solar energy systems as a principal use

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- Incentives - The group had an initial discussion about incentives.

- * SolSmart describes best practices to encourage solar development and suggests requiring on-site renewable energy as a condition for a Conditional Use Permit.

- * SolSmart also suggests considering requirement of on-site renewable energy systems or zero net energy construction as a condition for a rezoning or a conditional use permit.

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- Discussion re how to promote solar over private parking lots and roofs, perhaps with lot coverage or building heights standards. Whether site plan regulations could include incentives.

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- To research how Keene and Lebanon or other NH municipalities are using incentives for solar.

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- Municipal Uses. The City might consider adding solar energy infrastructure to 10.460 Table of Uses for Municipal and Conservation Districts.

I understand the Planning Board will continue the process of amending the zoning ordinance, and look forward to it.

Best,
Effie Malley
603-205-5395

Notice: Email Address Change

Our email domain has changed. Please use @portsmouthnh.gov instead of @cityofportsmouth.com for future communications. Thank you for your attention!