


Action

MEMORANDUM

September 28, 2018

TO: County Council

FROM: Jeffrey L. Zyontz  Senior Legislative Analyst

SUBJECT: Zoning Text Amendment 18-08, Site Plan Amendment – Solar Collection Systems

PURPOSE: Approve, disapprove, or amend the PHED Committee recommendation to approve ZTA 18-08 as introduced

PHED Committee Recommendation: On September 13, 2018, the Committee (3-0) recommended approval of ZTA 18-08 as introduced. The Committee was satisfied with the assurance of minimum open space in the amendment. Given the need for renewable energy resources, the Committee did not believe that further restrictions on post-site plan solar panels were warranted.

Background

Zoning Text Amendment (ZTA) 18-08, lead sponsor Councilmember Hucker and co-sponsor Councilmember Leventhal, was introduced on July 17, 2018. ZTA 18-08 would allow solar collection systems without an amendment to a previously-approved site plan under certain circumstances. On July 12, 2018, Councilmember Hucker sent a memorandum to Councilmembers in support of the ZTA:

Earlier this year, the Council passed our zoning text amendment to expand the use of community solar on residential properties¹....[This is] a follow-up ZTA to encourage commercial property owners to adopt solar by reducing delays and lowering the costs.

ZTA 18-08 accomplishes this goal by exempting accessory use solar projects from the costly and lengthy site plan process. Often, the cost of the site plan process can outweigh the benefits of adding solar panels to a property. This ZTA only applies to properties zoned for commercial, employment, industrial and mixed-use without residential.

I hope you will again help us reach our goal of being carbon-free by 2035 by expanding solar adoption in Montgomery County.²

¹ ZTA 18-01, Solar Collection System - Standards, adopted on May 15, 2018 to revise the solar collection system use standards to allow larger facilities in certain zones; and generally amend the provisions for solar collection systems.

Under ZTA 18-08, a solar collection system on any pre-existing impervious surface would be allowed without amending a previously-approved site plan. In addition, as an accessory use, solar collection systems may also be allowed on sites with non-residential uses without a site plan amendment. In such circumstances, any minimum open space requirements must be retained, excluding the area used for the solar collection system.

Public Hearing

A public hearing on ZTA 18-08 was held on September 11, 2018. Planning staff had the following comments on ZTA 18-06:

Staff believes that there is merit to the goal of further encouraging commercial property owners to adopt solar by reducing potential delays and lowering the costs. However, we are concerned that a transparent means for implementing the applicable limited use provisions (as an accessory use or principle use) would be lost by eliminating the site plan amendment process when installing a Solar Collection System on a property encumbered by a certified site plan. Staff believes that a better approach could be for an applicant to apply for a minor site plan amendment. Under this process, a Solar Collection System may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. In any case, the process is less cumbersome than the major amendment process.

On September 6, 2018, the Planning Board agreed with Planning staff's comments. The Board recommended using the minor site plan amendment process to approve solar panels after the Board approved a site plan.

A previous applicant for a site plan amendment to build solar panels spoke in favor of approval.

Issues

1. How does ZTA 18-08 relate to ZTA 18-01?

ZTA 18-01 allowed Solar Collection System as a limited use in Rural Residential, Residential, Commercial/Residential, Employment, and Industrial zones. Except in the AR zone, ZTA 18-01 anticipated that solar collection systems would be a primary use of property with conditions.³

² Resolution No.: 18-974 Emergency Climate Mobilization, adopted on December 5, 2017 to:

- declare a climate emergency;
- initiate a massive global mobilization to restore a safe climate and build a sustainable economy; and
- transform the climate by:
 - reducing greenhouse gas emissions by 80% by 2027;
 - reaching 100% elimination by 2035; and
 - initiating large-scale efforts to remove excess carbon from the atmosphere.

³

- a. Site plan approval is required under Section 7.3.4.
- b. The site must be a minimum of 3 acres in size.
- c. The system may produce a maximum of 2 megawatts (AC).
- d. All structures must be:
 - i. 20 feet in height or less;

ZTA 18-08 is narrower in scope than ZTA 18-01 in terms of the zones it covers when solar facilities are placed on open space. It would create an exemption for site plan amendments for property in Commercial/Residential, Employment, or Industrial zones. The exemption to a site plan amendment does not apply to rural residential or residential zones or any mixed-use zone that includes residential uses, except when the solar facility is placed over previously-approved impervious surfaces (principally parking lots and buildings).

The qualifying collection system under ZTA 18-08 must be on existing impervious surfaces, or be an accessory use if it is on the open space of a previously-approved site plan.⁴ Under ZTA 18-01, the use may be a primary use.

ZTA 18-01 requires site plan approval for specified solar collection systems. ZTA 18-08 would not change that requirement. ZTA 18-08 would only apply where a site plan was previously approved.

2. Should some of the protections in ZTA 18-01 (screening, setbacks, prohibiting mirrors, requiring textured glass or anti-reflective coating) be required in ZTA 18-08?

Under the current code, in the AR zone a freestanding solar collection system is allowed only as an accessory use where the system produces a maximum of 120% of on-site energy consumption and must satisfy the same development standards as an accessory structure.⁵ DPS would apply that definition to any accessory solar use.

As introduced, the only other condition for accessory solar installations in Commercial/Residential, Employment, or Industrial zones is retaining the minimum required open space. Any objectively-applied standard could be added to ZTA 18-08. Those standards for solar as a primary use include:

- Maximum height (20 feet)
- Minimum setbacks (50 feet)
- Minimum fencing (6 foot)
- Anti-reflective requirements (only solar thermal or photovoltaic panels or shingles with textured glass or an anti-reflective coating)
- Screening from residential uses (Option A if visible to a residential use).

The Committee did not recommend any restriction beyond the retention of the minimum required open space.

Staff would recommend adding an anti-reflective requirement if the site abuts a single-family residential zone.

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- ii. located at least 50 feet from any property line; and
 - iii. surrounded by a minimum 6-foot-tall fence.
 - e. If a structure for a Solar Collection System is located in an area visible to an abutting residential use or a road:
 - i. only solar thermal or photovoltaic panels or shingles may be used;
 - ii. the panels or shingles must use textured glass or an anti-reflective coating; and
 - iii. screening that satisfies Section 59.6.5.3.C.8 (Option A) on the sides of the facility visible from the residential use or road is required.

⁴ Accessory Use is a defined term in the Zoning Ordinance in Section 3.7.4.B:

Accessory Use means a use that is incidental and subordinate to the principal use of a lot or site or the principal building, and located on the same lot or site as the principal use or building. Any permitted or limited use in a zone may be an accessory use to any other use in the same zone; any applicable use standards must be satisfied.

⁵ Section 59.3.7.2.B.1.e.

3. *Are the benefits of the site plan amendment process worth the cost for solar on non-residential projects?*

Currently, an amendment to add a solar collection system would be a minor site plan amendment.⁶ The maximum time allowed for producing a final decision on the application is 120 days.⁷ That time can be considerably reduced if there is no timely objection to the amendment. Under those circumstances, the amendment can be approved by the Planning Director without a public hearing or action by the Planning Board.

Planning Board fees for minor amendment to an approved site plan vary with the type of amendment:

- Administrative – \$2,500
- Consent Agenda – \$3,250
- Limited – \$4,500.

Planning staff believes that for the sake of public notice (transparency) and the opportunity for neighbors to comment, accessory solar installation should only be allowed as a minor site plan amendment. The following expresses one opinion against ZTA 18-08:

The intent of any open space area is to provide adequate light, air, circulation, and recreation and encourage preservation and enhancement of natural resources, including improvement of water and air quality. Allowing a Solar Collection System to locate in an area designated as open space (even if the minimum required space for the zone is not lost) without vetting the issue through the site plan amendment review could be a mistake. It fails to give neighboring residents, who may benefit at least visually, a voice in the approval process.

The benefits of an open process must be balanced with the imperative to use more renewable energy resources. **The Committee recommends approval of ZTA 18-08 as introduced.**

<u>This packet contains</u>	<u>© number</u>
ZTA 18-08	1 – 4
Planning Board recommendation	5 – 6
Planning staff recommendation	7 – 13

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⁶ Section 7.3.4. Minor Amendment

- A minor amendment includes any change to a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan. A minor amendment also includes a reduction in approved parking to satisfy Article 59-6. A minor amendment does not include any change that increases density or height or prevents circulation on any street or path.
- Public notice is required under Division 7.5.
- A minor amendment may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. If an objection is received within 15 days after the application notice is sent, and the objection is considered relevant, a public hearing is required. A public hearing must be held under the same procedures as an original application.

⁷ Planning Board Rules of Procedure, page 31.

Zoning Text Amendment No.: 18-08
Concerning: Site Plan Amendment –
Solar Collection Systems
Draft No. & Date: 5 – 9/11/18
Introduced: July 17, 2018
Public Hearing: September 11, 2018
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Hucker
Co-sponsor: Councilmember Leventhal

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow solar collection systems without an amendment to a previously-approved site plan under certain circumstances; and
- generally amend the provisions for a permit that is exempt from conformance to an approved site plan

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 7.3. “Regulatory Approvals”
Section 7.3.4. “Site Plan”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 18-08 was introduced on July 17, 2018. ZTA 18-08 would allow solar collection systems without an amendment to a previously-approved site plan under certain circumstances.

In its report to the Council, the Montgomery County Planning Board recommended requiring a minor site plan amendment for applicants that wanted to install solar panels. Planning staff endorsed the Planning Board's recommendation.

The Council's public hearing was conducted on September 11, 2018. There was one speaker, in addition to the Planning Department, who supported ZTA 18-08 after installing solar panels through the site plan amendment process.

The Council referred the text amendment to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on September 13, 2018. The Committee recommended approving ZTA 18-08 as introduced. The Committee considered and rejected the ideas of requiring additional limitations in ZTA 18-08 or continuing to require a site plan amendment. The Committee was persuaded that ZTA 18-08 would help achieve a carbon-free energy supply by 2035.

The Council agreed with the recommendation of the Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 18-08 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-7.3 is amended as follows:

Division 7.3. Regulatory Approvals

* * *

Section 7.3.4. Site Plan

* * *

G. Subsequent Actions

1. Conforming Permits

For any development requiring site plan approval, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement unless:

- a. the Planning Board has approved a site plan;
- b. a bond has been approved under Section 7.3.4.K.3; and
- c. such building, structure, or improvement satisfies the certified site plan and conditions of approval.

2. Permits Exempt from Conformance to Approved Site Plans

- a. On any property covered by an approved site plan, DPS may issue a sediment control permit or building permit without finding of conformance to the approved site plan to:
 - i. construct a handicapped accessibility improvement;
 - ii. construct a bikeshare facility;
 - iii. install outdoor lighting with full cut-off fixtures;
 - iv. repair an existing structure to any extent allowed by the certified site plan; [or]
 - v. replace an existing structure to no more than the same footprint and height approved[.];
 - vi. install a solar collection system over any pre-existing impervious surface, including structures; or

vii. install an accessory solar collection system in any Commercial/Residential, Employment, or Industrial zone, if the minimum open space area required by the zone is satisfied after the solar collection system is excluded from the open space area and the site includes only non-residential uses.

* * *

Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Megan Davis Limarzi, Esq.
Clerk of the Council



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

September 10, 2018

TO: The County Council for Montgomery County, Maryland, sitting as the District Council
for the Maryland-Washington Regional District in
Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Zoning Text Amendment No. 18-08

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission reviewed Zoning Text Amendment No. 18-08 (ZTA 18-08) at its regular meeting on September 6, 2018. By a vote of 4:0 (Commissioner Dreyfuss absent from the hearing), the Planning Board supports the overall intent of the ZTA, to encourage commercial property owners to adopt solar by reducing potential delays and lowering the costs. However, we are concerned that a transparent means for implementing the applicable limited use provisions (as an accessory use or principle use) would be lost by eliminating the site plan amendment process when installing a Solar Collection System on a property encumbered by a certified site plan. The Board believes that a better approach could be for an applicant to apply for a minor site plan amendment. Under this process, a Solar Collection System may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. In any case, the minor site plan amendment process is less cumbersome than the major amendment process.

On May 15, 2018 (effective on June 4, 2018), the Council passed Zoning Text Amendment No. 18-01 to expand the use of community solar in Rural Residential, Residential, Commercial/Residential, Employment, and Industrial zones. ZTA 18-08 was introduced as a follow-up to ZTA 18-01 to further encourage commercial property owners to adopt solar by reducing potential delays and lowering the costs. ZTA 18-08 attempts to accomplish these goals by exempting accessory use solar projects from the costly and lengthy site plan process under certain circumstances. According to the sponsor, often, the cost of the site plan process can outweigh the benefits of adding solar panels to a property.

As proposed, ZTA 18-08 modifies the provisions for Site Plan Subsequent Action (*Section 7.3.4.G.2.-Permits Exempt from Conformance to Approved Site Plans*) for a Solar Collection System as discussed below.

Currently, under Section 7.3.4.G.2., on any property covered by an approved site plan, DPS may issue a sediment control permit or building permit without finding of conformance to the approved site plan to: construct a handicapped accessibility improvement; construct a bikeshare facility; install outdoor lighting with full cut-off fixtures; repair an existing structure to any extent allowed by the certified site plan; or replace an existing structure to no more than the same footprint and height approved.

(5)

ZTA 18-08 proposes to include two additional provisions to this section including:

- The installation of a solar collection system over any pre-existing impervious surface, including structures; and
- The installation of an accessory solar collection system in any Commercial/Residential, Employment, or Industrial zone, if the minimum open space area required by the zone is satisfied after the solar collection system is excluded from the open space area and the site includes only non-residential uses.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting held in Silver Spring, Maryland, on Thursday, September 6, 2018.



Casey Anderson
Chair

CA:GR



Zoning Text Amendment (ZTA) No. 18-08, Site Plan Amendment – Solar Collection Systems



Gregory Russ, Planner Coordinator, FP&P, gregory.russ@montgomeryplanning.org, 301-495-2174



Pam Dunn, Chief, FP&P, pamela.dunn@montgomeryplanning.org, 301-650-5649

Completed: 08/30/18

Description

Zoning Text Amendment (ZTA) 18-08 would allow solar collection systems without an amendment to a previously-approved site plan under certain circumstances; and generally amend the provisions for a permit that is exempt from conformance to an approved site plan. Under ZTA 18-08, a solar collection system on any pre-existing impervious surface would be allowed without amending a previously-approved site plan. In addition, as an accessory use, solar collection systems may also be allowed on sites with non-residential uses without a site plan amendment. In such circumstances, any minimum open space requirements must be retained, excluding the area used for the solar collection system.

Summary

Staff believes that there is merit to the goal of further encouraging commercial property owners to adopt solar by reducing potential delays and lowering the costs. However, we are concerned that a transparent means for implementing the applicable limited use provisions (as an accessory use or principle use) would be lost by eliminating the site plan amendment process when installing a Solar Collection System on a property encumbered by a certified site plan. Staff believes that a better approach could be for an applicant to apply for a minor site plan amendment. Under this process, a Solar Collection System may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. In any case, the process is less cumbersome than the major amendment process.

Background/Analysis

On May 15, 2018 (effective on June 4, 2018), the Council passed Zoning Text Amendment No. 18-01 to expand the use of community solar in Rural Residential, Residential, Commercial/Residential, Employment, and Industrial zones. ZTA 18-08 was introduced as a follow-up to ZTA 18-01 to further encourage commercial property owners to adopt solar by reducing potential delays and lowering the costs. ZTA 18-08 attempts to accomplish these goals by exempting accessory use solar projects from the costly and lengthy site plan process under certain circumstances. According to the sponsor, often, the cost of the site plan process can outweigh the benefits of adding solar panels to a property. This ZTA only applies to properties zoned for commercial, employment, industrial and mixed-use without residential.

Provisions as Adopted Under ZTA 18-01

As defined under Section 59.3.7.2.A, Solar Collection System means an arrangement of panels or other solar energy devices that provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. A Solar Collection System includes freestanding or mounted devices.

A Solar Collection System is allowed as a limited use in all zones and must satisfy a number of standards as modified in previously adopted ZTA 18-01.

ZTA 18-01 continued the limited use provision requiring that a Solar Collection System located in the Agricultural Reserve zone be an accessory use but did not require a Solar Collection System proposed in other zones to be an accessory use. In Rural Residential, Residential, Commercial/Residential, Employment and Industrial zones, where a Solar Collection System is allowed as a limited use, the ZTA allowed the use as an accessory use or as a principle use. As an accessory use, the applicable standards as established under the Agricultural Reserve zone apply. As a principle use, the following limited use standards apply:

- Site plan approval is required
- The site must be a minimum of 3 acres in size
- The system may produce a maximum of 2 megawatts (AC)
- All structures must be: 20 feet in height or less; at least 50 feet from any property line; and surrounded by a minimum 6-foot-tall fence.
- If located in an area visible to an abutting residential use or a road: only solar thermal or photovoltaic panels or shingles may be used; the panels or shingles must use textured glass or an anti-reflective coating; and screening that satisfies Section 59.6.5.3.C.8 (Option A) on the sides of the facility visible from the residential use or road is required (minimum depth of screening must be between 30 and 50 feet and must include a 6 foot in height fence or wall).
- The Solar Collection System must be removed within 12 months of the date when the use is discontinued or abandoned by the system owner or operator, or upon termination of the useful life of the system.
- A system designed to produce more than 2 megawatts (AC) may be allowed as a public utility use. *(It should be noted that a public utility structure requires approval through the conditional use process.)*

Proposed Provisions of ZTA 18-08

As proposed, ZTA 18-08 modifies the provisions for Site Plan Subsequent Action (*Section 7.3.4.G.2.-Permits Exempt from Conformance to Approved Site Plans*) for a Solar Collection System as discussed below.

Currently, under Section 7.3.4.G.2., on any property covered by an approved site plan, DPS may issue a sediment control permit or building permit without finding of conformance to the approved site plan to: construct a handicapped accessibility improvement; construct a bikeshare facility; install outdoor

lighting with full cut-off fixtures; repair an existing structure to any extent allowed by the certified site plan; or replace an existing structure to no more than the same footprint and height approved.

ZTA 18-08 proposes to include two additional provisions to this section including:

- The installation of a solar collection system over any pre-existing impervious surface, including structures; and
- The installation of an accessory solar collection system in any Commercial/Residential, Employment, or Industrial zone, if the minimum open space area required by the zone is satisfied after the solar collection system is excluded from the open space area and the site includes only non-residential uses.

Staff believes that there is merit to the goal of further encouraging commercial property owners to adopt solar by reducing potential delays and lowering the costs. One way to accomplish this objective is by exempting from the site plan amendment process the installation of a Solar Collection System proposed over any pre-existing impervious surface or the installation of an accessory solar collection system in non-residential zones while continuing to satisfy the open space requirements of the zone. However, staff believes that all other applicable provisions for establishing a Solar Collection System as a limited use should still apply, *(as a principle use: maximum height restrictions (20 feet), setback requirements from any property line (50 feet minimum), a fencing requirement (6-foot minimum height), additional screening and anti-reflective material measures for Solar Collection Systems located in an area visible to an abutting residential use or road; as an accessory use: authorization from local utility for connection to the utility grid, prohibition of the removal of trees or landscaping otherwise required or attached as a condition of approval of any plan, application, or permit; solar panels may encroach into a setback as allowed under Section 4.1.7.B.5.c and may exceed the maximum height as allowed under Section 4.1.7.C.3.b; and a freestanding Solar Collection System is allowed only as an accessory use where the system produces a maximum of 120% of on-site energy consumption).* ***Therefore, we are concerned that a transparent means for implementing these provisions would be lost by eliminating the site plan amendment process when installing a Solar Collection System on a property encumbered by a certified site plan. Staff believes that a better approach for shortening the process could be use of the minor site plan amendment procedure. Under this process, a Solar Collection System may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. In any case, the process is less cumbersome than the major amendment process.***

Attachments

1. ZTA No. 18-08 as introduced

ATTACHMENT 1

Zoning Text Amendment No.: 18-08
Concerning: Site Plan Amendment –
Solar Collection Systems
Draft No. & Date: 4 – 7/10/18
Introduced: July 17, 2018
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Hucker

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow solar collection systems without an amendment to a previously-approved site plan under certain circumstances; and
- generally amend the provisions for a permit that is exempt from conformance to an approved site plan

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Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-7.3 is amended as follows:

Division 7.3. Regulatory Approvals

* * *

Section 7.3.4. Site Plan

* * *

G. Subsequent Actions

1. Conforming Permits

For any development requiring site plan approval, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement unless:

- a. the Planning Board has approved a site plan;
- b. a bond has been approved under Section 7.3.4.K.3; and
- c. such building, structure, or improvement satisfies the certified site plan and conditions of approval.

2. Permits Exempt from Conformance to Approved Site Plans

- a. On any property covered by an approved site plan, DPS may issue a sediment control permit or building permit without finding of conformance to the approved site plan to:
 - i. construct a handicapped accessibility improvement;
 - ii. construct a bikeshare facility;
 - iii. install outdoor lighting with full cut-off fixtures;
 - iv. repair an existing structure to any extent allowed by the certified site plan; [or]
 - v. replace an existing structure to no more than the same footprint and height approved[.];
 - vi. install a solar collection system over any pre-existing impervious surface, including structures; or

vii. install an accessory solar collection system in any Commercial/Residential, Employment, or Industrial zone, if the minimum open space area required by the zone is satisfied after the solar collection system is excluded from the open space area and the site includes only non-residential uses.

* * *

Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Megan Davis Limarzi, Esq.
Clerk of the Council