Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, MD 21043-4392

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October 4, 2012

TO: County Council Members

RE: ZRA-144, Marsha McLaughlin, Director, DPZ

Attached is Petition No. ZRA-144, filed by Marsha McLaughlin, Director, Department of Planning and Zoning, to create a new Section 121 in the Zoning Regulations to establish a new zoning district, the Community Enhancement Floating (CEF) District.

Please note that the Planning Board meeting for this ZRA is October 18, 2012.

Robin Regner
Administrative Assistant

Attachment
cc: P. Johnson, Esq.
S. LeGendre
T. Wimberly
J. Feldmark
J. Sager
M. McLaughlin
T. Sieglein

(410) 313-2001 fax: (410) 313-3297 tty: (410) 313-6401
http://cc.howardcountymd.gov

PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA-144

Date Filed:_____

1. **Zoning Regulation Amendment Request**

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To create a new Section 121 in the Zoning Regulations to establish a new zoning district, the Community Enhancement Floating (CEF) District that provides flexibility to propose appropriate, well designed, context sensitive developments that reflect unique site, neighborhood and market conditions for certain properties within the Planned Service Area (PSA) for both Water and Sewer service.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. **Petitioner's Name** Marsha S. McLaughlin, Director, Department of Planning and Zoning

Address 3430 Court House Drive, Ellicott City MD 21043

Phone No. (W) 410-313-2350

Email Address mmclaughlin@howardcountymd.gov

3. **Counsel for Petitioner** Paul Johnson, Esq., Deputy County Solicitor, Office of Law

Counsel's Address 3430 Court House Drive, Ellicott City MD 21043

Counsel's Phone No.

Email Address Pjohnson@howardcountymd.gov

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed to implement Policy 6.1, Action F, Policy 6.5, Action C and Policy 10.4, Action A of *PlanHoward 2030*, the adopted general plan of Howard County, Maryland.

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5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County The Zoning Regulation Amendment would implement *PlanHoward 2030*, and specifically adopted Policy 6.1, Action F, Policy 6.5, Action C. and adopted Policy 10.4, Action A.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. See Attachment A.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) . See Attachment A

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

The proposed amendment could potentially apply to any property within the Planned Service Area (PSA) for both Water and Sewer service which also meets the criteria for establishment of such a district as enumerated in Section 121.I.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated

Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. _____

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose. **After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.**

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.

12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

MARSHA S. McLAUGHLIN — Marsha S. McLaughlin — 10/4/12

Petitioner's name (Printed or typed) — Petitioner's Signature — Date

_____ — _____

Petitioner's name (Printed or typed) — Petitioner's Signature — Date

_____ — _____

Petitioner's name (Printed or typed) — Petitioner's Signature — Date

Paul T Johnson — 10/4/12

Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee .....$695.00. If the request is granted, the Petitioner shall pay $40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment ($40.00 minimum, $85.00 maximum)

Each additional hearing night..... $510.00*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty (20) copies along with attachments.

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For DPZ office use only:

Hearing Fee $ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:10/09
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

Proposed Text

(CAPITALS or UNDERLINED CAPTIALS indicate text to be added; [[brackets]] indicate text to be deleted.)

SECTION 103: DEFINITIONS

87. Floating District: A district of undetermined location which may only be placed on the zoning map upon petition of a property owner and not by government initiative. A floating district may only be applied to a specific property if stated criteria are satisfied, a finding of compatibility is made and a development plan is approved for the property. A finding of mistake in the existing zoning or a substantial change in the character of the neighborhood since the last [[comprehensive zoning]] COMPREHENSIVE ZONING PLAN is not required to apply a floating zone to a property. In these Zoning Regulations, only the CC, BR, CEF, SW, PSC, and NT districts are floating districts.

SECTION 121: CEF (COMMUNITY ENHANCEMENT FLOATING) DISTRICT

A. PURPOSE

THE COMMUNITY ENHANCEMENT FLOATING (CEF) DISTRICT IS ESTABLISHED TO ENCOURAGE THE CREATIVE DEVELOPMENT AND REDEVELOPMENT OF PROPERTIES THROUGH THE PROVISION OF FLEXIBILITY IN ZONING REQUIREMENTS. THE CEF DISTRICT IS NOT INTENDED SIMPLY TO ALLOW EXCEPTIONS TO OTHERWISE APPLICABLE REGULATIONS AND IS INTENDED TO:

1. ALLOW GREATER DESIGN FLEXIBILITY AND A BROADER RANGE OF DEVELOPMENT ALTERNATIVES THAN IN THE EXISTING ZONING DISTRICT WITH THE PROVISION OF FEATURES AND AMENITIES WHICH ARE BENEFICIAL TO THE COMMUNITY IN ACCORDANCE WITH SECTION 121.J.4.B;

2. PROVIDE A HIGHER QUALITY OF SITE DESIGN AND AMENITY THAN IS POSSIBLE TO ACHIEVE UNDER THE STANDARD PROVISIONS OF EXISTING ZONING DISTRICT REQUIREMENTS;

3. ENCOURAGE CREATIVE ARCHITECTURAL DESIGN AND THE MOST FAVORABLE ARRANGEMENT OF SITE FEATURES WHICH ARE BASED ON PHYSICAL SITE CHARACTERISTICS AND CONTEXTUAL SENSITIVITY TO SURROUNDING DEVELOPMENTS;

4. THE CEF DISTRICT WOULD SERVE AS THE APPROPRIATE TRANSITIONAL USE BUFFER TO PROVIDE COMPATIBLE TRANSITIONAL USES WITH THE SURROUNDING COMMUNITY OR DEVELOPMENTS;

5. ENCOURAGE CONSOLIDATION OF UNDERUTILIZED PROPERTIES. APPROPRIATE LOCATIONS FOR THE CEF DISTRICT DEPEND ON FACTORS WHICH ARE BEST EXAMINED THROUGH REVIEW OF A PARTICULAR PROPERTY IN THE CONTEXT OF SURROUNDING PROPERTIES. THEREFORE, THE CEF DISTRICT IS A FLOATING ZONE WHICH REQUIRES THE SUBMISSION OF A DEVELOPMENT CONCEPT PLAN AND ZONING BOARD APPROVAL FOR A PARTICULAR SITE.

B. USES PERMITTED AS A MATTER OF RIGHT IN THE CEF DISTRICT

1. EXCEPT FOR THOSE PRE-DETERMINED EXCLUDED USES LISTED IN SECTION 121.C BELOW, ALL OTHER USES PERMITTED AS A MATTER OF RIGHT IN RESIDENTIAL ZONING DISTRICTS AND THE POR, B-1 AND B-2 DISTRICTS MAY BE PERMITTED AS A MATTER OF RIGHT, PROVIDED THAT THE USE CATEGORIES ARE AUTHORIZED IN AN APPROVED DEVELOPMENT CONCEPT PLAN.

2. NEW INNOVATIVE USE CATEGORIES THAT ARE NOT CURRENTLY PERMITTED AS A MATTER OF RIGHT IN THE POR, B-1 AND B-2 DISTRICTS BUT ARE CONSIDERED TO BE COMPATIBLE WITH THE PERMITTED USE CATEGORIES, PROVIDED THAT THE INNOVATIVE USE CATEGORIES ARE AUTHORIZED IN AN APPROVED DEVELOPMENT CONCEPT PLAN AND PROVIDED THAT THE INNOVATIVE USE CATEGORIES ARE NOT USES LISTED IN SECTION 121.C BELOW.

C. EXCLUDED USES

THE FOLLOWING USES ARE SPECIFICALLY EXCLUDED FROM THE CEF DISTRICT AND ARE NOT PERMITTED.

1. ADULT LIVE ENTERTAINMENT ESTABLISHMENTS.
2. BUILDING CLEANING, PAINTING, ROOFING, EXTERMINATING AND SIMILAR ESTABLISHMENTS.
3. BULK RETAIL STORES.
4. BUS TERMINALS.
5. COMMERCIAL COMMUNICATION TOWERS.
6. FLEA MARKETS.
7. FUNERAL HOMES.
8. KENNELS.
9. LAWN AND GARDEN SHEDS AND EQUIPMENT SALES, MAINTENANCE AND REPAIR.
10. LUMBER YARDS.
11. MOBILE HOME AND MODULAR HOME SALES AND RENTALS.

12. MOTOR VEHICLE, CONSTRUCTION EQUIPMENT AND FARM EQUIPMENT MAINTENANCE, REPAIR AND PAINTING FACILITIES, INCLUDING FULL BODY REPAIR AND INCIDENTAL SALE OF PARTS.
13. MOTOR VEHICLE, CONSTRUCTION EQUIPMENT AND FARM EQUIPMENT SALES.
14. MOTOR VEHICLE INSPECTIONS STATION.
15. MOTOR VEHICLE TOWING AND STORAGE FACILITY.
16. RECREATIONAL VEHICLE, MARINE EQUIPMENT AND BOAT SALES, MAINTENANCE AND REPAIR FACILITIES.
17. RECYCLING COLLECTION FACILITIES.
18. RETAIL AND COMMERCIAL SERVICE USES WHICH INCLUDE MORE THAN A SINGLE DRIVE-THROUGH LANE.
19. SCHOOLS, PRIVATE ACADEMIC, INCLUDING COLLEGES AND UNIVERSITIES.
20. TAXICAB BUSINESSES, INCLUDING FACILITIES FOR DISPATCH AND MAINTENANCE OF RELATED VEHICLES.
21. WHOLESALE SALES.

D. ACCESSORY USES IN A CEF DISTRICT

ACCESSORY USES ESTABLISHED WITH THE APPROVAL OF THE DEVELOPMENT CONCEPT PLAN ARE PERMITTED.

E. MODERATE INCOME HOUSING

A MINIMUM OF 10 PERCENT OF THE TOTAL NUMBER OF DWELLING UNITS SHALL BE MODERATE INCOME HOUSING UNITS.

F. RESIDENTIAL DENSITY

A MINIMUM OF 10 PERCENT OF THE RESIDENTIAL DENSITY AUTHORIZED BY THE ZONING BOARD FOR THE CEF DEVELOPMENT MUST BE ACQUIRED BY THE DEVELOPER THROUGH THE DENSITY EXCHANGE OPTION OR THE NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION.

G. ENHANCEMENTS

THE CEF DEVELOPMENT MUST CONTAIN ONE OR MORE DESIGN FEATURES OR AMENITIES WHICH ARE BENEFICIAL TO THE COMMUNITY AS DELINEATED IN ACCORDANCE WITH SECTION 121.J.4.B AND THAT EXCEED MINIMUM STANDARDS REQUIRED BY COUNTY REGULATIONS, EXCLUDING BULK REGULATIONS. SUCH FEATURES OR AMENITIES MUST BE PROPORTIONATE TO THE SIZE AND SCOPE OF THE CEF DEVELOPMENT. FEATURES OR AMENITIES MAY BE PROVIDED ON A VICINAL SITE WITHIN THE DELINEATED COMMUNITY PURSUANT TO EVALUATION ON A CASE BY CASE BASIS. ENHANCEMENTS MAY INCLUDE:

1. COMMUNITY PARKS OR GATHERING SPACES, PLAYGROUNDS, DOG PARKS, OR RECREATION FACILITIES THAT ARE OPEN TO THE SURROUNDING COMMUNITY;

2. ENHANCED ENVIRONMENTAL OPEN SPACE WHICH INCORPORATES ENVIRONMENTAL RESTORATION OF STREAMS, WETLANDS OR FORESTS, ENHANCED LANDSCAPING;

3. BICYCLE, PEDESTRIAN OR TRANSIT IMPROVEMENTS WHICH PROVIDE CONNECTIONS TO OFF-SITE DESTINATIONS OR BICYCLE, PEDESTRIAN OR TRANSIT FACILITIES; OR

4. OTHER COMMUNITY ENHANCEMENTS IDENTIFIED ON THE DEVELOPMENT CONCEPT PLAN.

H. BULK REGULATIONS

REQUIREMENTS REGARDING SETBACKS, LOT COVERAGE, LOT SIZES, BUILDING HEIGHTS AND ALL OTHER BULK REGULATIONS FOR THE CEF DISTRICT SHALL BE ESTABLISHED WITH THE APPROVAL OF THE DEVELOPMENT CONCEPT PLAN.

I. CRITERIA FOR A CEF DISTRICT

THE CEF DISTRICT MAY BE ESTABLISHED AT A PARTICULAR LOCATION IF THE FOLLOWING CRITERIA ARE MET:

1. THE PROPOSED CEF DISTRICT IS LOCATED WITHIN THE PLANNED SERVICE AREA FOR BOTH PUBLIC WATER AND SEWER SERVICE.

2. THE PROPOSED CEF DISTRICT SHALL HAVE FRONTAGE ON AND ACCESS TO AN ARTERIAL OR MAJOR COLLECTOR ROAD.

3. THE MINIMUM DEVELOPMENT SIZE SHALL BE TWO ACRES.

4. THE PROPOSED CEF DISTRICT IS NOT LOCATED IN AN EXISTING M-2, CAC, TOD, NT, MXD, OR PGCC DISTRICT.

5. THE PROPOSED CEF DISTRICT IS NOT PERMITTED WITHIN THE INTERIOR OF A NEIGHBORHOOD COMPRISING ONLY SINGLE FAMILY DETACHED DWELLINGS.

6. A CEF DEVELOPMENT AT THE PROPOSED LOCATION WILL BE SENSITIVE TO EXISTING LAND USES IN THE VICINITY OF THE SITE IN TERMS OF PROVIDING A TRANSITIONAL USE BETWEEN DIFFERENT

ZONING DISTRICTS AND/OR LAND USES AND THE SCALE, HEIGHT, MASS, AND ARCHITECTURAL DETAIL OF PROPOSED STRUCTURES.

7. THE PROPOSED CEF DEVELOPMENT SHALL INCLUDE A SITE AMENITY OR AMENITY AREA WITHIN THE DELINEATED COMMUNITY EXCEPT AS PROVIDED IN SECTION 121.G.

8. THE PROPOSED CEF DISTRICT SHALL MEET THE CRITERIA OF THE PURPOSE STATEMENT.

J. PROCEDURE FOR CREATION OF A CEF DISTRICT

1. THE OWNER OF AN INTEREST IN A TRACT OF LAND IN HOWARD COUNTY MAY PETITION THE ZONING BOARD TO DESIGNATE THE PROPERTY AS A CEF DISTRICT.

2. PRIOR TO PREPARING A SPECIFIC PLAN AND SUBMITTING AN APPLICATION FOR A CEF DISTRICT, THE PETITIONER IS REQUIRED TO MEET WITH THE DEPARTMENT OF PLANNING AND ZONING ON AN INFORMAL BASIS TO DISCUSS THE OVERALL CONCEPT FOR THE INTENDED CEF DISTRICT AND ITS RELATIONSHIP TO THE PURPOSE OF THE CEF DISTRICT. THE DEPARTMENT OF PLANNING AND ZONING SHALL AS A RESULT OF THIS MEETING DETERMINE WHETHER THE PROPOSAL MAY POTENTIALLY MEET THE OBJECTIVES OF THE CEF DISTRICT.

3. PRIOR TO FILING A FORMAL APPLICATION FOR A CEF DISTRICT, THE PETITIONER SHALL PRESENT A DEVELOPMENT CONCEPT PLAN TO THE DESIGN ADVISORY PANEL FOR EVALUATION IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE. THE DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE INCLUDED IN THE TECHNICAL STAFF REPORT PRODUCED BY THE DEPARTMENT OF PLANNING AND ZONING AND FORWARDED TO THE PLANNING BOARD FOR ITS CONSIDERATION OF THE CEF DISTRICT.

4. THE FORMAL APPLICATION SHALL BE SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING AND SHALL INITIALLY INCLUDE:

   A. A DEVELOPMENT CONCEPT PLAN WHICH INCLUDES SHEETS DEPICTING ALL EXISTING NATURAL AND CURRENT DEVELOPMENT FEATURES OF THE COMMUNITY ENHANCEMENT FLOATING DISTRICT LAND AREA, AND ALSO DEPICTING AND/OR LISTING, AS MAY BE APPROPRIATE, THE FOLLOWING:

      (1) A BOUNDARY SURVEY

(2) PERMITTED USES
(3) ACCESSORY USES
(4) BUILDINGS AND OTHER STRUCTURES
(5) PARKING AREAS AND NUMBER OF PARKING SPACES
(6) POINTS AND WIDTHS OF VEHICULAR INGRESS AND EGRESS
(7) SITE AMENITIES WHICH FULFILL CEF DISTRICT OBJECTIVES IN ACCORDANCE WITH SECTIONS 121.A AND 121.G
(8) LANDSCAPING
(9) HARDSCAPING INCLUDING PEDESTRIAN AND BICYCLE CONNECTIONS TO OFF-SITE FACILITES
(10) RETAINED NATURAL FEATURES SUCH AS WETLANDS, STEEP SLOPES, AND TREE AND FOREST COVER
(11) ARCHITECTURAL ELEVATIONS OF ALL SIDES OF ALL BUILDINGS AND SIGNIFICANT STRUCTURES, WITH EXTERIOR MATERIALS SPECIFIED
(12) EXTERIOR LIGHTING PLAN WITH LIGHTING STRUCTURES AND LIGHT SOURCES GIVEN ON SPECIFIC LIGHTING PRODUCT INFORMATION SHEETS
(13) INFORMATION ON THE ADJOINING PROPERTIES, INCLUDING THE OWNER NAME, ZONING, EXISTING USE, AND EXISTING SITE IMPROVEMENTS.

B. A MAP DELINEATING THE BOUNDARY OF THE COMMUNITY SURROUNDING THE CEF DISTRICT AND WRITTEN JUSTIFICATION FOR SUCH BOUNDARY.

C. A WRITTEN JUSTIFICATION STATEMENT THAT EXPRESSES IN DETAIL:

(1) HOW THE PROPOSED DEVELOPMENT CONCEPT PLAN CONFORMS TO THE PURPOSE STATEMENT FOR THE CEF DISTRICT.

(2) HOW THE PROPOSED CEF DISTRICT WILL BE OF A BENEFIT TO HOWARD COUNTY THAT IS GREATER THAN A CONVENTIONAL DEVELOPMENT ON THE PROPERTY USING THE EXISTING ZONING DISTRICT REGULATIONS.

(3) SUPPORTING DOCUMENTATION, INCLUDING BUT NOT LIMITED TO MARKET STUDIES AND TRAFFIC STUDIES AS REQUIRED BY THE DEPARTMENT OF PLANNING AND ZONING BASED ON THE SCALE OF THE PROJECT AND THE TYPE AND LOCATION OF PROPOSED USES.

5. DECISION BY THE ZONING BOARD:

A. THE ZONING BOARD SHALL HOLD A PUBLIC HEARING ON THE PETITION AND MAY APPROVE, APPROVE WITH MODIFICATIONS OR DENY THE DEVELOPMENT CONCEPT PLAN AND CRITERIA, STATING THE REASONS FOR ITS DECISION IN A DECISION AND ORDER.

B. THE ZONING BOARD'S DECISION SHALL BE BASED ON FINDINGS THAT THE PROPOSED DISTRICT WILL ACCOMPLISH THE PURPOSES OF THE CEF DISTRICT AND THE CRITERIA FOR A CEF DISTRICT IN SECTION 121.I.

C. IF THE PETITION IS APPROVED:

(1) THE ZONING BOARD MAY MODIFY OR APPLY ADDITIONAL REQUIREMENTS TO THE DEVELOPMENT CONCEPT PLAN OR CRITERIA, STATING THE REASONS FOR SUCH ACTION. THE BOARD, IN ITS DISCRETION, MAY HOLD ADDITIONAL HEARINGS ON ANY MODIFICIATIONS OR ADDITIONAL REQUIREMENTS TO THE PLAN AS IT DEEMS APPROPRIATE.

(2) SHOULD THE BOARD APPROVE ANY MODIFICATIONS OR ADDITIONS, THEN AT THE PETITIONER'S REQUEST, THE BOARD SHALL HOLD A HEARING ON SUCH MODIFICATIONS OR ADDITIONAL REQUIREMENTS. AT THE CONCLUSION OF SUCH HEARING, THE BOARD MAY CHANGE ANY OF THE MODIFICATIONS OR ADDITIONAL REQUIREMENTS. IF THE PETITIONER DOES NOT ACCEPT THE FINAL MODIFICATIONS OR ADDITIONAL REQUIREMENTS, THE PETITIONER MAY WITHDRAW THE PETITION WITHOUT PREJUDICE.

(3) THE ZONING BOARD SHALL APPROVE THE DEVELOPMENT CONCEPT PLAN AND CRITERIA AND SHALL CREATE A CEF DISTRICT COVERING THE LAND IN THE PETITION.

(4) A COPY OF THE DEVELOPMENT CONCEPT PLAN AND CRITERIA SHALL BE PROVIDED BY THE PETITIONER AND CERTIFIED AS APPROVED BY THE ZONING BOARD AND A VERIFIED COPY OF THE SAME SHALL BE FORWARDED TO THE DEPARTMENT OF PLANNING AND ZONING AND THE PETITIONER.

K. SITE DEVELOPMENT PLAN CONFORMANCE WITH THE DEVELOPMENT CONCEPT PLAN

THE DEPARTMENT OF PLANNING AND ZONING SHALL NOT APPROVE A SITE DEVELOPMENT PLAN FOR A CEF DISTRICT UNLESS THE SITE DEVELOPMENT PLAN CONFORMS SUBSTANTIALLY TO ALL EXHIBITS OF THE DEVELOPMENT CONCEPT PLAN APPROVED BY THE ZONING BOARD.

EXCEPT AS PROVIDED IN SECTION 121.L. BELOW FOR PRE-AUTHORIZED MINOR MODIFICATIONS, ANY MODIFICATIONS TO ANY ZONING BOARD

APPROVED FEATURES OF THE DEVELOPMENT CONCEPT PLAN MUST BE APPROVED BY THE ZONING BOARD, FOLLOWING THE SAME PROCEDURES USED FOR A PETITION TO CREATE A CEF DISTRICT.

L. MINOR MODIFICATIONS TO THE DEVELOPMENT CONCEPT PLAN

MINOR MODIFICATIONS TO THE DEVELOPMENT CONCEPT PLAN APPROVED BY THE ZONING BOARD WHICH DO NOT INCREASE THE NUMBER OF RESIDENTIAL UNITS AND MEETING THE CRITERIA BELOW SHALL NOT REQUIRE ZONING BOARD APPROVAL.

1. MINOR MODIFICATIONS TO STRUCTURES, WITH A FLOOR AREA NO LARGER THAN 10 PERCENT OF THE EXISTING FLOOR AREA OF THE MAIN FLOOR.

2. MINOR NEW ACCESSORY STRUCTURES OR ACCESSORY USES IF THE LOCATION DOES NOT INTERFERE WITH THE EXISTING APPROVED SITE LAYOUT (E.G. CIRCULATION, PARKING, LOADING, STORM WATER MANAGEMENT FACILITIES, OPEN SPACE, LANDSCAPING OR BUFFERING).

3. MINOR MODIFICATIONS TO PARKING LOTS COMPRISING NO MORE THAN 10 PERCENT OF THE ORIGINAL NUMBER OF PARKING SPACES REQUIRED.

4. SIMILAR MINOR MODIFICATIONS AS DETERMINED BY THE DEPARTMENT OF PLANNING AND ZONING.