



**PETITION TO AMEND THE
ZONING REGULATIONS OF
HOWARD COUNTY**

DPZ Office Use Only:

Case No. ZRA- 184

Date Filed: 2-28-18

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 modification process for the Community Enhancement Floating (CEF) district which would require a Zoning Board (ZB) hearing, but not the full process necessary for a petition to create a CEF District; to require the development of Moderate Income Housing Units (MIHUs); and to specify requirements for Amenity Areas and other enhancements in the CEF zone.

[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 Jennifer Terrasa, Councilperson

Address 3430 Courthouse Drive, Ellicott City, MD 21043

Phone No. (W) 410-313-2001 (H) _____

Email Address jterrasa@howardcountymd.gov

HOWARD COUNTY COUNCIL
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3. Counsel for Petitioner Paul Johnson, Esq.

Counsel's Address 3450 Courthouse Drive, Ellicott City, MD 21043

Counsel's Phone No. 410-313-2101

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 assist in the ZB with their deliberations involving CEF zoning cases. Specifically, the ZB would like to create a new modification process that specifies that requests for modifications would have a ZB hearing but not be subject to the full process of creating a new CEF District. Also, the proposed amendments would guide development to reflect the true intent of the CEF zone by establishing specific regulations for Amenity Areas and requiring that MIHUs actually be built on site.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County PlanHoward 2030, in Chapter 10 entitled, “Community Design”, there is a section entitled, “Updating Regulations”. Specifically, the section states that “As development patterns in the County evolve, the existing regulatory structure should be reviewed and amended as needed to better meet the County’s goals for Established Communities and Targeted Growth and Revitalization areas.” Furthermore, PlanHoward 2030, in the “Updating Regulations” section states, “Topics for [Regulation] review include redevelopment flexibility and amenity requirements....”. The CEF district, being a relatively new floating zone, lends itself to thoughtful updates that would improve flexibility and refine development requirements.

[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 100.0.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 100.0.A. Section 100.0.A.2. of the Zoning Regulations states that one intent of the Regulations is, “To protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County, and by these comprehensive Zoning Regulations;”. The proposed Zoning Regulation changes attempt to further the orderly growth and development of the County as stated in the intent of the Zoning Regulations.

[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) . One public benefit that would be gained as the result of the proposed changes to the Zoning Regulations is to provide more direction and clarity to assist the ZB in evaluating proposed amenity areas and community enhancements. Specifically, there is proposed language that states the amenity areas are to be open to the public and are developed with linkages to existing and future developments.

[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.

Generally, CEFs can be located on most properties that are at least five acres, located within the planned service area for water and sewer, and not zoned M-2, TOD, NT, MXD, or PGCC.

[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.

No.

[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.

Jennifer R Terasa
Petitioner's name (Printed or typed)

JR Terasa 2/28/18
Petitioner's Signature Date

Petitioner's name (Printed or typed)

Petitioner's Signature Date

Petitioner's name (Printed or typed)

Petitioner's Signature Date

[Signature] for PJ
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 (24) copies along with attachments.

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

Petitioner's Proposed Text

SECTION 121.0: - CEF (Community Enhancement Floating) District

A. Purpose

The Community Enhancement Floating (CEF) District is established to encourage the creative development and redevelopment of commercial and residential properties through flexible zoning so that the proposed development complements and enhances the surrounding uses and creates a more coherent, connected development. While it is envisioned that the CEF District could place residential uses on land zoned for employment in some circumstances, it should not be viewed primarily as a way to convert land zoned for employment to residential.

The CEF District is intended to:

1. Allow greater design flexibility and a broader range of development alternatives than the existing zoning district;
2. Provide features and enhancements which are beneficial to the community in accordance with Section 121.0.G.
3. Provide a higher quality of site design and amenities than is possible to achieve under the standard provisions of existing zoning district requirements;
4. Encourage creative architectural design with the most favorable arrangement of site features, based on physical site characteristics and contextual sensitivity to surrounding developments;
5. Serve as a transitional area by providing a mix of uses compatible with the surrounding community or developments; and
6. Encourage aggregation of underutilized properties.

Three CEF Districts are established: CEF-R, CEF-C and CEF-M. A CEF-R District may be established when the uses proposed in the Development Concept Plan are exclusively residential. A CEF-C District may be established when the uses proposed in the Development Concept Plan are exclusively commercial. A CEF-M District may be established when the uses proposed in the Development Concept Plan contain a mix of residential and commercial uses. A CEF District is a floating zone which requires the submission of a Development Concept Plan that includes bulk regulations, use categories, accessory uses and community enhancements. A decision on the proposed CEF District will be made by the Zoning Board after a thorough review of a CEF petition.

B. Uses Permitted as a Matter of Right in the CEF District

1. Except for those excluded uses listed in Section 121.0.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:
 - a. Are authorized in an approved Development Concept Plan; and
 - b. Are not uses listed in Section 121.0.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. Contractor storage facility.
7. Flea markets.
8. Funeral homes and mortuaries.
9. Gasoline, fuel oil, liquefied petroleum, and compressed natural gas, bulk storage of.
10. Kennels.
11. Lawn and garden sheds and equipment sales, maintenance and repair.
12. Lumber yards.
13. Mobile home and modular home sales and rentals.
14. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repair and incidental sale of parts.
15. Motor vehicle, construction equipment and farm equipment sales.
16. Motor vehicle inspections station.
17. Motor vehicle towing and storage facility.
18. Recreational vehicle, marine equipment and boat sales, maintenance and repair facilities.
19. Recycling collection facilities.
20. Retail and commercial service uses which include more than a single drive-through lane.
21. School bus, board or recreational vehicle storage facilities.
22. Taxicab businesses, including facilities for dispatch and maintenance of related vehicles.
23. Utility uses, public.
24. Wholesale sales.
25. Wrecked vehicle storage (temporary).

D. Accessory Uses in a CEF District

Only accessory uses established with the approval of the Development Concept Plan are permitted.

E. Moderate Income Housing

The CEF petition shall comply with the Moderate Income Housing Unit requirements that were in effect for the zoning district for the property immediately before the CEF District was established on the property. If there were no Moderate Income Housing Unit requirements for the previous zoning district, a minimum of 10% of the total number of dwelling units shall be Moderate Income Housing Units. **NOTWITHSTANDING SECTION 13.402C OF THE HOWARD COUNTY CODE, MODERATE INCOME HOUSING UNIT REQUIREMENTS SHALL BE MET THROUGH THE DELIVERY OF RESIDENTIAL UNITS, NOT THROUGH THE FEE-IN-LIEU OPTION.**

F. Residential Density

The Zoning Board may require that an appropriate percentage of the residential density authorized for the CEF development be acquired by the developer through the neighborhood preservation density exchange option.

G. Enhancements

The CEF development must contain [[one or more]] design features or enhancements which are beneficial to the community as delineated in accordance with Section 121.0.J.2.A and that exceed minimum standards required by County Regulations, excluding bulk regulations.

AT A MINIMUM, EACH CEF SHALL PROVIDE OPEN SPACE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

1. **FOR CEF DEVELOPMENTS 20 ACRES OR LARGER, PROVIDE AT LEAST 20% OF THE NET ACREAGE AS OPEN SPACE OF WHICH AT LEAST 50% MUST BE DESIGNED AS AN AMENITY AREA OPEN TO THE PUBLIC.**
2. **FOR CEF DEVELOPMENTS LESS THAN 20 ACRES, PROVIDE AT LEAST 10% OF THE NET ACREAGE AS OPEN SPACE WHICH MUST BE DESIGNED AS AN AMENITY AREA OPEN TO THE PUBLIC.**
3. **THE AMENITY AREA SHALL INCLUDE SEATING AND TREES PROPORTIONAL TO THE SIZE OF THE AMENITY AREA. AMENITY AREAS SHALL BE SERVED BY PEDESTRIAN AND BICYCLE IMPROVEMENTS THAT PROVIDE CONNECTIVITY WITHIN THE CEF DEVELOPMENT AND LINK WITH EXISTING AND FUTURE CONNECTIONS TO SURROUNDING DEVELOPMENTS.**
4. **NO AMENITY AREA SHALL BE SMALLER THAN 0.25 ACRE.**

[[Such]] **ADDITIONAL** features or enhancements must be proportionate to the increase in development intensity and impacts associated with the CEF rezoning compared to the previously existing zoning. Enhancements shall be free and open to the general public, as opposed to a commercial use. Features or enhancements 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 general public;
2. Enhanced environmental open space which incorporates environmental restoration of streams, wetlands or forests, or 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. **HOWEVER, ADDITIONAL MIHUs THAT ARE PROFFERED BY THE DEVELOPER MAY NOT BE COUNTED AS COMMUNITY ENHANCEMENTS.**

IN ACCORDANCE WITH SECTION 16.121 (B) OF THE CODE, AT THE DISCRETION OF THE COUNTY, ALL OR A PORTION OF THE ENHANCEMENTS SHALL BE DEDICATED AND DEEDED WITHOUT CHARGE TO THE COMMUNITY OR HOWARD COUNTY FOR RECREATION OR FOR PUBLIC USE. THERE SHALL BE A FORMAL MAINTENANCE AGREEMENT BETWEEN THE DEVELOPER AND THE COMMUNITY FOR ALL COMMUNITY ENHANCEMENTS DEEDED TO THE COMMUNITY. THE MAINTENANCE AGREEMENT SHALL BE EXECUTED WITHIN ONE YEAR OF 50 PERCENT OF THE RESIDENTIAL UNITS WITHIN THE DEVELOPMENT BEING OCCUPIED.

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. The CEF petition's building heights shall not exceed five stories. Zoning Board approval of height and setbacks from adjoining properties shall be protective of residential neighborhoods, but should acknowledge the impact of topographic, environmental, or landscape buffers, as well as the desirability of open space and pedestrian and bicycle connections.

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. A proposed CEF-C District shall have frontage on and access to an arterial or major collector road. A proposed CEF-R or CEF-M District shall have frontage on and access to an arterial or collector roadway, or a local road if access to the local road is safe based on road conditions and accident history and the local road is not internal to a residential development.
3. For all properties, the minimum development size for any CEF District shall be five acres.
4. The proposed CEF District is not located in an existing M-2, TOD, NT, MXD, or PGCC District.
5. A Proposed CEF-R District is not located in an existing non-residential zoning district unless the proposed CEF-R District adjoins a residential zoning district.
6. The proposed CEF District is not permitted within the interior of a neighborhood comprising only single-family detached dwellings.
7. A CEF development at the proposed location shall be compatible with surrounding residential neighborhoods, 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.
8. The proposed CEF development shall include enhancements as provided in Section 121.0.G. enhancements shall be proportionate to the scale of the CEF development.
9. The proposed CEF District shall meet the criteria of the purpose statement.
10. The proposed CEF Development does not comprise parcels which were added to the Planned Service Area to achieve Bay Restoration goals articulated in *Plan Howard 2030*.

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 to discuss the overall concept for the intended CEF District and its relationship to the purpose of the CEF District. The initial CEF plan shall include:
 - a. A map delineating the boundary of the community surrounding the CEF District, which includes:
 - (1) A justification for such boundary and a summary description of the community in terms of land-use mix and intensity and any important natural or manmade features that define the character of the community;

- (2) The location of the proposed CEF District in relation to the surrounding community; and
 - (3) An explanation of any key environmental, infrastructure or other relationships between the proposed CEF District and the surrounding community.
- b. A conceptual plan that includes:
 - (1) Immediately adjoining parcels and uses;
 - (2) Existing on-site natural and development features, clarifying those to be retained or removed;
 - (3) The proposed development envelope;
 - (4) Proposed permitted uses and their general locations, including the proposed square foot area of non-residential uses, the number of residential units, and the unit types;
 - (5) The general locations of road, pedestrian, and bicycle connections to the surrounding community;
 - (6) A description of proposed community enhancements; and
 - (7) A statement as to how the proposed Development Concept Plan conforms to the purpose statement for the CEF District and how the proposed CEF District will have a greater benefit to Howard County and the surrounding community than a conventional development of the property using the existing zoning district regulations. The Department of Planning and Zoning shall, as a result of this meeting, evaluate whether the proposal may potentially meet the objectives of the CEF District.
- 3. After the petitioner has conferred with the Department of Planning and Zoning and prior to the petitioner preparing a detailed CEF plan and application, the Zoning Board shall hold an initial meeting on the initial CEF plan.
 - a. The purpose of the initial meeting is to review the petitioner's initial CEF plan, review the Department of Planning and Zoning's preliminary evaluation, and to allow citizens and the Zoning Board to ask questions, raise concerns, and make suggestions regarding the initial CEF plan prior to the applicant preparing the detailed CEF plan.
 - b. At the meeting the petitioner shall present the initial CEF plan.
 - c. A summary of the questions, concerns and comments raised at the preliminary hearing shall be provided by the petitioner in accordance with Section 16.128(C), included in the application, and attached to the Technical Staff Report produced by the Department of Planning and Zoning.
 - d. The petitioner shall comply with all provisions of Section 16.128(C)—(J) before, during, and after the initial meeting.
- 4. Prior to filing an application for a CEF District, the petitioner shall present a detailed CEF plan to:
 - a. The community at a meeting in accordance with Section 16.128, presubmission community meetings; and
 - b. The design advisory panel for evaluation in accordance with the procedures established in Section 16.1500 of the Howard 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. If the CEF Development Concept Plan proposes the conversion of non-residentially zoned land to residential uses, the Technical Staff Report shall also include a fiscal note that evaluates the impact of the proposal on

County tax revenues, as well as estimates of the future expenses to the county for providing public facilities and services for the residential uses.

5. The 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 enhancements which fulfill CEF District objectives in accordance with Sections 121.0.A and 121.0.G
 - (8) Landscaping
 - (9) Hardscaping including pedestrian and bicycle connections to off-site facilities
 - (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
 - (14) Presubmission community meeting minutes and a summary of design modifications made in response to interaction with the community
 - 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 promote the policies established in the General Plan and any goals established in relevant corridor, community or small area plans, and will be of greater benefit to Howard County and more appropriate than the existing zoning.
 - (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.
6. The Technical Staff Report shall evaluate the application based on the "Criteria for a CEF District" in Section 121.0.I above and note any unresolved community comments relevant to these criteria.

7. The Planning Board shall hold a public meeting on the application and shall make a recommendation to the Zoning Board based on the "Criteria for a CEF District" in Section 121.0.I above.
8. 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 petition.
 - b. In its evaluation of the proposed CEF District, the Zoning Board shall make findings on the following:
 - (1) Whether the petition will accomplish the purposes of the CEF District;
 - (2) Whether the petition complies with the criteria for a CEF District in Section 121.0.I; and
 - (3) Whether the petition meets the Moderate Income Housing Unit requirements.
 - c. If the petition is approved:
 - (1) The Zoning Board may modify or apply additional requirements to any part of the Development Concept Plan including, but not limited to, uses, bulk regulations, days and hours of business, or other operational issues including removal of facilities in the event of closure. The Board, at its discretion, may hold additional hearings on any modifications or additional requirements to the plan 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 Decision and Order of the Zoning Board shall:
 - (a) Create a CEF District covering the land in the petition;
 - (b) Approve the concept plan;
 - (c) Establish the bulk regulations, use categories, accessory uses and any restrictions or modifications; and
 - (d) Approve the community enhancements.
 - d. 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 and Howard County Regulations

1. The Department of Planning and Zoning shall not approve a Site Development Plan for a CEF District unless the Site Development Plan:
 - a. Conforms substantially to all exhibits of the Development Concept Plan approved by the Zoning Board; and
 - b. Complies with all other development regulations including, without limitation, the Adequate Public Facilities Ordinance and Subdivision and Land Development Regulations.

2. Except as provided in Section 121.0.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]] FOLLOWING A PUBLIC HEARING, FOR WHICH NOTIFICATION TO ALL PARTIES ATTENDING THE ORIGINAL HEARING HAS BEEN PROVIDED. THE ZONING BOARD SHALL MAKE ITS DECISION AFTER CONSIDERING THE DEPARTMENT OF PLANNING AND ZONING'S RECOMMENDATION, AND SHALL CONSIDER AND MAKE A DECISION ON THE PROPOSED MODIFICATION IN LIGHT OF ANY OF THE APPLICABLE CEF DECISION-MAKING CRITERIA OF SECTION 121.0.I OF THE CEF REGULATIONS.

L. Minor Modifications to the Development Concept Plan

Minor modifications to the Development Concept Plan which do not increase the number of residential units and meet the criteria below shall not require reconsideration by the Zoning Board.

1. Minor modifications to structures, with a floor area no larger than 20% 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 20% of the original number of parking spaces required.
4. Similar minor modifications as determined by the Department of Planning and Zoning, including reductions in the number of residential units and the intensity of the unit mix.