

Zoning Interpretation Record

Subject of Interpretation:

Substantial conformity with Sketch Plan approved with Conditional Use Permits (CUP) where proposal is to exceed the approved floor area – by no more than 10%- how to determine “substantial conformity” when there is more than one building.

Zoning Ordinance Reference (Article and Section):

Article 7, Section 7 (2)

Interpretation:

The Zoning Ordinance requires that an applicant requesting a conditional use permit submit a sketch plan for the proposed use. As part of the approval of a request for a CUP, the Board of Supervisors imposes a condition that the development of the property be in substantial conformity with the submitted sketch plan. This sketch plan is not fully engineered and field conditions may require minor modifications at the time of construction. In interpreting the term ‘substantial conformity’ for the area of buildings shown on the sketch plan, the Planning Department has permitted applicants to exceed the area shown to a minor degree, but in no case can the amount be greater than ten percent of the area shown. For CUPs that contain only one structure, this means that the building, as constructed, cannot exceed the amount shown by more than ten percent. For CUPs that contain multiple structures, the **total** floor area provided may exceed that shown on the sketch plan by ten percent. This can be done at the time of original construction or during a later renovation of the building(s). If it is done at a later time, it can be accomplished through a Minor Site Plan Amendment.

This interpretation does not apply, however, when the proposed expansion would change the character of the use, substantially alter the sketch plan layout configuration, or result in a building no longer complying with conditions related to building elevations (if any). In those instances, an amendment to the CUP would be required, even if the difference in floor area of the building(s) did not exceed the approved amount by more than ten percent. In addition, the ten percent deviation is only permitted when compared to the original approved floor area; it is not measured using any areas (whether constructed at the time of site plan approval or any subsequent Minor Site Plan Amendment) that are in excess of the original area.

Examples:

A church requests a Minor Site Plan Amendment that includes an enlargement of the detached community building (one of several buildings that were approved with the CUP). The proposed expansion of the building constitutes a 50% increase in the size of that building, but constitutes less than 10% of the total floor area approved as part of the CUP. Since the total expansion does not exceed 10% of the total approved floor area, the expansion can be allowed without an amendment to the CUP. The applicant must still satisfy all requirements for Minor Site Plan Amendments.

Interpretation by:

Approved by:

Signature

Date

Signature

Date

John Bender
Printed Name

Michael Crescenzo
Printed Name