

#### **Section 4.010. Changes to preliminary development plans**

- A. Requirement. When a change is proposed to an approved preliminary development plan, the following shall govern the type of application required.
1. Substantial changes. A new preliminary development plan application shall be submitted. Approval of the new preliminary development plan shall follow the procedures for approval of preliminary development plan applications as set forth in this Article. In determining whether to approve an application for a substantial change to a preliminary development plan, the Commission or Governing Body shall apply the criteria set forth in this Article. In the event that the application for the preliminary development plan is denied, the previously approved preliminary development plan will remain in effect.
  2. Minor changes. Minor changes to the approved preliminary development plan, as defined in this Section, may be approved by the Director as part of a final development plan application.
  3. No changes. If there are no changes to an approved preliminary development plan, a final development plan shall be submitted for approval by the Director.
- B. Definition of substantial changes. For purposes of this Section, "substantial changes" to the approved preliminary development plan shall mean any of the following:
1. A change in the phases as originally specified in the preliminary development plan that would have a negative impact on the traffic circulation.
  2. Increases in the density or intensity of residential uses of more than 10%.
  3. Increases in the total floor area of all nonresidential buildings covered by the plan of more than 25%.
  4. Increases of lot coverage of more than 10%.
  5. Increases in the height of any building of more than 25%.
  6. Changes of architectural style that will make the project less compatible with neighboring uses.
  7. Changes in ownership patterns or stages of construction that will lead to a different development concept.
  8. Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities.
  9. Decreases of any setback of more than 10%.
  10. Decreases of areas devoted to open space of more than 10% of such open space, or the substantial relocation of such areas.
  11. Changes of traffic circulation patterns that will negatively affect on-site and/or off-site traffic.
  12. Changes of existing and/or proposed pedestrian walkways that will negatively affect pedestrian traffic.
  13. Modification or removal of conditions to the preliminary development plan approval.

14. Changes to the water or sanitary sewer plans that impact these utilities outside the project boundaries.
- C. Definition of minor changes. For purposes of this Section, "minor changes" to the approved preliminary development plan shall include, but not be limited to the following: (Amend. #48)
1. Increases in the density of residential uses up to and including 10%.
  2. Increases in the total floor area of all nonresidential buildings covered by the plan up to and including 25%.
  3. Increases of lot coverage up to and including 10%.
  4. Increases in the height of any building up to and including 25%.
  5. Decreases of any peripheral setback up to and including 10%.
  6. Decreases of areas devoted to open space up to and including 10%.
  7. Reconfiguration of buildings provided that no required setbacks are violated
  8. Revised phasing plan that has no substantial impact upon traffic circulation or required street construction