

ARTICLE 14 – Planned Commercial and Office District (PC)

Section 14.01 – PURPOSE

The Planned Commercial and Office District (PC) is established for the purposes set forth in Section 5.058 of this Resolution.

Section 14.02 – PROCEDURE

The PC is included in this Resolution pursuant to the procedures in Ohio Revised Code Section 519.021 (A) and (C.)

Section 14.03 – PERMITTED USES

Within a Planned Commercial and Office District (PC) the following uses, developed in strict compliance with the approved development plan, may be permitted if approved in the development plan.

The precise use(s) or type of use(s) of the tract shall be specified in the plan as submitted and approved.

- a) Commercial and office establishments of all types developed and maintained in accordance with the approved development plan.
- b) Community facilities such as libraries, offices or educational facilities operated by a public agency, government or private entity.
- c) Commercial establishments normally associated with and intended to service the traveling public with service stations, restaurants, travel trailer parks for overnight parking or any other allied activity.
- d) Hospitals, medical facilities, nursing homes, hospices and convalescence homes.
- e) Medical, dental and optical laboratories.
- f) Kindergarten or childcare facilities.
- g) Public or private golf courses, country clubs, hunt clubs, sportsmen's clubs, fishing lakes, or similar recreational uses with all buildings and club houses incident thereto including restaurants to serve members and/or users of the facility.
- h) Other commercial ventures not provided by this or other sections of this Resolution if approved as part of the plan.
- i) Wholesale business, storage and warehouse, excepting public storage unit facilities also known as "mini warehouses."
- j) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Brown Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning

Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential or sales use.

Section 14.04 – CONDITIONAL USES

Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Zoning Commission and/or the Brown Township Board of Trustees

Section 14.05 – PROHIBITED USES

- A. Outdoor storage of inoperable, unlicensed or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen (14) days in a calendar year is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to legal sales or repair activity if such activities are carried out in compliance with the approved plan.
- B. Except as provided in the development plan no trailer of any type; no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this Resolution, the restrictions in the plat or deed or the development plan.
- C. Except as specifically as permitted in the approved development plan, no manufactured home, mobile home or mobile office structure shall be placed or occupied in this district.
- D. No trash, debris, unused property or discarded materials shall be permitted to accumulate on any lot or parcel which creates an eyesore, hazard, or nuisance to the neighborhood or general public.
- E. NAICS CODE #711310, Promoters of Performing Arts, Sports, and similar events with outdoor open-air facilities.

Section 14.06 INITIAL DISCUSSIONS

The applicant is encouraged to engage in informal consultations with the Township Staff and the Delaware County Regional Planning Commission prior to formal submission of a development plan and application to amend the zoning map to PC.

No statement by officials of the Township or the DCRPC shall be binding upon either at the concept stage.

In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this PC district shall follow the procedures herein.

Section 14.07 – REQUIRED PC DESIGN STANDARDS

- A. The development plan shall incorporate the following standards for all permitted uses:
 - 1. Access: Requires frontage on or direct access to one or more dedicated and improved public arterial roads as shown on the Delaware County Thoroughfare Plan, or to an access road that runs parallel to an arterial road. Provision for future connections to other public roads may be required by the Township, the County Engineer and/or the Regional Planning Commission.

2. Maximum Commercial Ground Coverage by Buildings, Parking, and other hardscape areas (all impervious surfaces): 70% of the total tract, exclusive of public street rights of way. Land underneath overhead high voltage electric transmission lines may be used for open space, landscaping, parking, and roads with the permission of the electric utility company.
3. Minimum Open Space for Commercial Developments: 30% of the total tract acreage. Open spaces may be used for the retention, detention and disposal of storm water drainage. Features that are likely to cause erosion or flooding shall not be permitted. Open space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open space unique circumstances may be considered if an environmental feature needs protection. A 15-foot wide landscaped “green belt” shall be provided between the edge of any parking area and the adjacent public street right of way.
4. Floodplain: No commercial or office structures shall be constructed within the 100-year floodplain of any stream or river.
5. Walkways and Street Trees: The Township may require walkways to connect parking areas with buildings. Where sidewalks or bike paths are required, they shall be separated from the paved street or parking lot surface by at least five feet (5') of landscaped or grassed tree lawn with street trees that conform to Township standards placed in the tree lawn.
6. Setbacks: Approved per development plan. No parking shall be constructed within 35 feet of a lot line of an existing or approved Residential Zoning District, or Planned Residential Zoning District, or as approved per plan.
7. Pavement Width and Street Cross Section: Shall be constructed to meet the Average Daily Traffic and weights anticipated in the Delaware County Engineer's Location and Design Manual and shall have a design life of 20 years.
8. Underground Utilities: All utilities constructed to service the proposed commercial use shall be located underground.
9. Minimum Lot Width: At the building line- as approved per plan.
10. Minimum Side Yards: Shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
11. Minimum Rear Yard: Shall equal one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
12. Buffering: Natural foliage shall be retained where practicable. The Township may require establishment of tree cover or other foliage to buffer adjacent uses.

13. Environmentally Sensitive Areas: Jurisdictional wetlands, forests, ravines, slopes greater than 20% and 100-year floodplains shall be preserved to the greatest extent possible.
14. Water Supply and Sewage Disposal: For sewage disposal, the state or county agencies with jurisdiction shall indicate feasibility of wastewater disposal systems at the time of the preliminary development plan review. For water supply, the appropriate public or private utility shall indicate feasibility of water supply at the time of the preliminary development plan review.
15. Building Design: Building orientation, massing, roof shape, pitch, and exterior materials shall be detailed and approved as part of the final development plan.
16. Building Height Limits: 35 feet unless otherwise approved.
17. Landscaping: All yards, front, side and rear, shall be landscaped, and all open spaces or non-residential use areas shall be landscaped and shall meet the landscaping requirements of this Resolution, unless a variation from these standards is specifically approved as part of the final development plan. A landscape plan prepared by a licensed landscape architect shall show the caliper, height, numbers, name and placement of all material, and be subject to approval as part of the final development plan.
18. Parking: Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the final development plan. In preparing and approving the parking plan, the parking provisions Article 21 of this Resolution shall be incorporated, or a divergence requested and is subject to approval as part of the final development plan.
19. Signs: Signs shall conform to provisions of Article 22 of this Resolution, or a divergence must be requested and subject to approval as part of the final development per plan.
20. Exterior Lighting: All exterior lighting shall conform to the provisions of Article 21 of this Resolution and be subject to approval as part of the final development plan.
21. Supplemental Conditions and Safeguards: The Zoning Commission and/or Board of Trustees may impose additional conditions relating to the development with regard to the type and extent of the public improvements to be installed; landscaping; and maintenance of open space areas; and other development characteristics.

Section 14.08 – REQUIRED FINDINGS FOR PC APPROVAL

The Zoning Commission and Trustees may approve an application requesting that property be included in the PC zoning district, provided they find that the proposed use complies with all of the following requirements:

- A. That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Resolution.
- B. That the proposed development is in conformity with the comprehensive plan as adopted or concurrently amended or portion thereof as it may apply.

- C. That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.
- D. That the proposed plan meets all of the design features required in this Resolution.
- E. That the proposed development will be compatible in appearance with surrounding existing or proposed land uses.
- F. That the development promotes the efficient use of land and resources, promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

Section 14.09 – PROCESS FOR AMENDMENT

Applications for amendment to rezone property to the PC District may be approved according to one of the following procedures:

- A. The applicant, being the owner and, if applicable, a lessee of the subject real estate, may apply for a zoning map amendment to designate the land as PC District. A preliminary development plan must be submitted with the application. If the application for the zoning amendment is approved, then the zoning map is amended to PC District. (This is a legislative act and is subject to referendum). After the designation of the property as a PC District on the zoning map, any approval or disapproval of subsequent use or development of property in the PC District established as authorized by this division shall not be considered to be an amendment or supplement to the township zoning map pursuant to Ohio Revised Code 519.021 (A), but as an administrative act subject to appeal according to Chapter 2506 of the Ohio Revised Code. A final development plan shall be subsequently submitted to the Zoning Commission for review and approval. This procedure may only be used if the real estate proposed to be rezoned consists of at least 10 acres; or
- B. The applicant, being an owner and, if applicable, a lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PC District and simultaneously submit, along with the application for the zoning amendment, a final development plan acceptable to the Township and in accordance with the final development plan standards set forth herein. (This is a legislative act and is subject to referendum.)

In addition to complying with the procedures set forth in this Resolution, all applications for amendment to rezone property to the PC District shall comply with the procedures outlined in Ohio Revised Code Section 519.12.

Following the filing of an application for a PC District, the Zoning Commission may schedule a walkabout on the site with the applicant to familiarize all parties with the lay of the land, and the general design intent of the applicant. The on-site walkabout is a public meeting pursuant to the Ohio Sunshine Law (ORC §121.22) and must be properly noticed and open to the public. Minutes shall be kept.

Section 14.10 – EFFECT OF PROPERTY OWNER INITIATED PC ZONING AMENDMENT

Upon approval of an application for a zoning amendment to rezone property to the PC District, all previous regulations regarding that specific property shall no longer be in effect, and the regulations set forth in this Article and in the approved final development plan shall govern.

Section 14.11 – DEVELOPMENT PLANS

- A. **Preliminary Development Plan:** With the filing of any application to rezone a property to the PC District, the owner(s) or lessees of lots or land within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site.

Eleven (11) printed copies and an electronic copy of the preliminary development plan shall be submitted to the Zoning Commission with the PC District application. The plan shall include in text and map form, the following:

1. The proposed size and location of the PC District, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, wooded areas, wetlands, adjacent (within 200') structures, 100-year floodplains.
2. Conceptual architectural elevations for all structures and signs.
3. The intended provisions for water, fire hydrants, sanitary sewer and adequate storm water drainage outlet. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented by the utility provider or a registered civil engineer.
4. The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.
5. A design of the open space and proposed description of its use, ownership and plan for maintenance.
6. Specific statements of divergence, if any, from the development standards in this Article or the general standards of this Resolution such as setbacks, parking, landscaping, lighting, signage and so forth, and a statement of justification, therefore.
7. Proposed location of all structures and uses.
8. Preliminary Traffic Impact Analysis based upon new trip generation as estimated by the Delaware County Engineer's standards. A letter of review by the Delaware County Engineer outlining area road improvements required based on the traffic impact analysis.
9. All required design standards in Section 14.07 of this Resolution.
10. Emergency service provisions (letter from Fire department regarding access and water supply to the proposed development site).
11. Phasing plans, if any.
12. Calculation of net developable acreage and proposed lot coverage.
13. Proposed permitted and accessory uses listed numerically

- B. **Preliminary Plan Approval Period** - The approval of a preliminary development plan shall be effective for a period of one (1) year from the date 30 days after the zoning became final in order to allow for the preparation and submission of the final development plan. No zoning text amendment passed during this one (1) year period shall affect the terms under which approval of the preliminary development plan was granted. If the final development plan has not been filed within this one (1) year period, then the preliminary development plan approval shall expire unless the Township Trustees have approved an extension of this time limit. Absent such an extension, no use shall be established or changed, and no building, structure or improvement shall be constructed until a new preliminary and final development plan has been submitted for approval to and approved by the Township. Such applications for approval shall be subject to the same procedures and conditions as an original application. All new applications shall comply with the terms of the Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PC District.
- C. **Modifications of the Preliminary Development Plan** - In the event that an applicant or owner who has obtained approval of a Preliminary Development Plan wishes to change or modify said approved plan in any respect, he or she shall make a detailed written modification request, and file that request and fee with the Zoning Inspector. The application shall specifically detail the changes requested and shall state the reasons for all changes requested.
1. Upon receipt of such an application, the Zoning Inspector shall refer the application to the Board of Trustees for a determination to be made at the sole discretion of the Trustees as to whether the Application shall be treated as a request for a major or minor modification.
 2. If the Trustees determine by a majority vote that the application should be handled as a minor modification request, it shall set the matter for a public meeting before the Board of Trustees. The applicant shall have the right to amend his or her application at any time prior to the vote of the Board of Trustees.
 3. If the Trustees determine by a majority vote that the Application should be addressed as a major modification request, it shall forward the Application to the Zoning Commission and the Zoning Commission shall schedule and conduct a public meeting, and make a written recommendation for the approval, modification, or the denial of the application to the Board of Trustees. The applicant shall have the right to amend the application at any time prior to the vote of the Zoning Commission. Upon receipt of the Zoning Commission's recommendation, the Trustees shall hold a public meeting for consideration of the application and the recommendation of the Zoning Commission. The public meeting shall be held within thirty (30) days of the Trustees receipt of the Zoning Commission's recommendation. Notice of the public meeting shall be published once at least ten (10) days before the date of the meeting. Following the conclusion of a public meeting for determination of an application (including all adjournments thereof), the Township Trustees shall either approve or disapprove the application.
 4. If an amendment is sought with respect to an application deemed major after a vote by the Commission, the amended application will be returned to the Commission for additional review and recommendation.

5. Consideration of requests for modifications of an approved Preliminary Development Plan shall be considered in all respects to be a legislative process and approval or denial of any such request shall be considered and treated as a legislative act. Subject only to referendum rights which apply, any decision by the Board of Trustees upon an application for modification shall be final and shall not be appealable.

- D. **Final Development Plan** - The applicant shall submit eleven (11) printed copies and an electronic copy of the final development plan to the Zoning Inspector with the application. Except as otherwise provided in Article 14 of this Resolution or as provided in the initial rezoning of property to the PC District, the Zoning Commission shall be the review authority for the final development plan.

The review and approval of the Final Development Plan is an administrative, not legislative act, unless the final development plan is simultaneously submitted with the application for the zoning district change.

The final development plan shall include in text and map form the following:

1. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PC District area designated on the final development plan.
2. The final development plan shall be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following items in detail satisfactory to the reviewing bodies:
 - a. The general development character and permitted and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.
 - b. Environmentally sensitive areas including the 100-year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Delaware County. To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
 - c. Architectural design detail including specification of materials, colors and elevations for all structures, signs, and improvements, including paving. Materials and colors shall be submitted for approval. Proposed architectural control procedures shall be included.
 - d. Building heights and dimensions.
 - e. Off-street parking.

- f. Size, height and location of all signs.
- g. Exterior Lighting: All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- h. The utility provider-approved provisions for water, fire hydrants, sanitary sewer, and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
- i. A traffic impact analysis by a civil engineer who specializes in traffic evaluations showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- j. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- k. Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
- l. The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- m. If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- n. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- o. Specific statements of divergence from the development standards of this Resolution and the justification, therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with. Since the Final Development Plan is a rendition of what is intended to be built all standards for landscaping, parking and setbacks are per plan.
- p. Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- q. The drawings that are a part of the development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio, with respect to the design of each professional.

- r. The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PC District.
- s. The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
 - 1.) Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
 - 2.) Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
 - 3.) Glare Heat and Exterior Lighting: Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property wherein the use is conducted.
 - 4.) Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities
 - 5.) Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
 - 6.) Vibrations and Noise: No uses shall be located, and no equipment shall be installed in such a way as to produce intense, earth-shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.
 - 7.) Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.
- t. The Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

- E. **Final Development Plan Approval Period:** The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision has not been approved and recorded, and construction has not commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed, and no building, structure or improvement shall be constructed until a new final development has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application for preliminary and final development plan approval. This new application shall comply with the terms of the Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PC District.
- F. **Phasing:** Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in general compliance with the timetable in the approved development.
- G. **Failure to Maintain:** If the organization established to own and maintain the open space, or the owners of dwelling units within the PC District shall, for any reason, fail to maintain the open space in reasonable order and in accordance with the final development plan, such failure shall constitute a breach of the development plan and a violation of this Resolution. The Board of Township Trustees or its designee may serve written notice upon such organization of the deficiencies and demand that corrective action be taken immediately and pursue enforcement of this Resolution.
- H. **Plat Required:** If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:
1. Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
 2. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
 3. In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance surety in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

4. A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat recorded within three (3) years after the approval of the final development plan or within such other period as approved per plan.

I. Extension of Time/ Modification of Final Development Plan:

An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission provided the Zoning Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

1. A request for minor changes to the final development plan may be approved by the Zoning Commission without being subject to the same procedures as the original application.
 2. In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, as determined by the Zoning Commission, said modification or amendment shall be subject to the same procedure and conditions of preliminary and final development plan approval as the original application. The following shall be considered substantial departures from the original application:
 - a. A change in the use or character of the development.
 - b. An increase in overall lot coverage of structures and/or off-street parking.
 - c. An increase in the density.
 - d. A substantial increase in traffic impact circulation and public utilities usage.
 - e. A reduction in approved open space.
 - f. A reduction of off-street parking and loading space.
 - g. A reduction in required pavement widths.
 - h. A reduction of the acreage in the planned development.
 - i. Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.
- J. **Administrative Review** - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.

- K. **Divergences** - The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article that is noted “as approved per plan.” An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittal.