

**ARTICLE XV PORTER TOWNSHIP HEARTLAND FARM PRESERVATION (HFPD)**

**15.01 PURPOSE**

The Heartland Farm Preservation District is created to protect groundwater resources and prime agricultural soils in a non-urban service area that is the most agrarian portion of the township.

**15.02 PERMITTED USES**-The following uses shall be permitted in the HFPD.

- A. Agriculture
- B. Single-family dwelling structures
- C. Accessory buildings (detached garages, barns, sheds) and uses in association with agriculture or permitted dwellings.
- D. Schools and Parks as follows:
  - a.) Public or private school offering general educational courses and having no rooms regularly used for housing or sleeping of students.
  - b.) Parks, playgrounds, and play fields open to the public without fee.
- E. Religious Uses-Church or other place of worship provided it occupies a lot of not less than three (3) acres and there is one (1) acre, or more per one hundred (100) seats or similar accommodations in the main assembly area. A parsonage or minister's residence is permitted on the same lot, provided there is adequate area for water supply and wastewater disposal if located on site.
- F. Adult Family Homes as provided for and defined in ORC Chapter 3722.
- G. Child Day Care provided in-home for six or fewer children who are not members of the immediate resident family, provided the day care is accessory to the use of the dwelling as a residence.

**15.03 DEVELOPMENT STANDARDS FOR PERMITTED USES**

In addition to the provisions of ARTICLE XVI, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the HFPD.

A. Lot Area and Coverage

- 1.) For each dwelling unit there shall be a lot area not less than six (6) acres, exclusive of right of way or sixty-foot access strip or Common Access Driveway.
- 2.) For each other Permitted Use the lot area shall be adequate to meet the sanitation requirements of the County Board of Health, but shall not be less than that prescribed for such use.

- 3.) Only one (1) principal use shall be permitted on a lot, and such lot shall not be covered more than twenty five percent (25%) by structure. Exceptions: Churches and schools may have more than one principal structure per lot.

**B. Minimum Lot Frontage**- A one-family dwelling shall have a lot frontage on a public road of:

- 1.) Four hundred feet (400') exclusive of common access drive, or sixty feet of right of way within a common access drive as defined in the Delaware County Subdivisions Regulations; or
- 2.) A sixty- (60) foot access strip if the parcel is located within the second tier or row of parcels of land from the public road, for ingress and egress.
- 3.) Any parcel of land which, at the building setback line is separated or removed from the public road by more than one other parcel of land shall be accessed only by a common access driveway (CAD). In the event a lot or parcel of land fronts on more than one public road, such lot or parcel of land shall have a minimum of 400' of frontage on one of the public roads. Any parcel whose access is by a 60' right of way within a CAD or flag lot access strip created after the effective date of this amendment shall have a minimum width parallel to the public roadway of 400' at the building setback line. Lots or parcels having less than 400 feet of frontage on the right of way line of an adjoining street must have a minimum of 400' of lot width at the front building set back line. In no case shall the parcel or lot frontage at the right of way line be less than 60 feet and shall not be decreased at any point forward of the building set back line of the principal residence located on the premises.

**C. Side Yard**-All structures shall maintain a side yard of fifty (50) feet per side.

**D. Rear Yard**-For principal dwelling, there shall be a rear yard of 40 feet (40'). No accessory structure shall be located closer than 15' to a rear lot line.

**E. Front Yard Setback**- No building shall be located closer than 105' to any center line of the adjoining street or road, or for a flag lot, 75' from the property line parallel to the road.

**F. Maximum Height**- 38 feet measured from the average grade on the lowest side of the structure to the peak of the roof.

**15.04 CONDITIONAL USES**- the following shall be allowed in the HFPD as conditional uses provided their respective conditions are met as determined by the Board of Zoning Appeals:

**A.** A lot of record on the date of adoption of this Chapter 15 of the Zoning Resolution may be subdivided in accordance with the Delaware County Subdivision Regulations to provide up to four (4) residential lots, of less than six acres each provided the following criteria are met:

- 1.) The minimum lot size for each of the four lots to be divided from any lot of record shall be 2 acres.
- 2.) The frontage, side yard and setback requirements shall conform to 15.02 A 2.) and 3.), and 15.02 B, C, D, E and F.
- 3.) Further subdivision of lots smaller than six acres shall only be permitted in the HFPD within approved Farm Villages as a conditional use.

B. Manufactured home as temporary housing provided it meets the following conditions:

- 1.) Temporary residence while a home is under construction or reconstruction for a period not to exceed eighteen (18) months.
- 2.) Water supply, sewage disposal is properly provided and approved by the county Board of Health.
- 3.) Manufactured home means a non self- propelled building unit or assembly of closed construction fabricated in an off site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site.
- 4.) The manufactured home is removed on or before the 18 months temporary stay is completed.

B. Private school or college, with students in residence, provided:

- 1.) Adequate land area exists to meet required setbacks, water supply and sewage disposal, and off street parking;
- 2.) Adequate area exists for indoor and outdoor recreation.
- 3.) Additional setbacks or buffering as may be necessary to not disrupt the neighboring residential uses.

C. Cemetery, provided:

- 1.) Internment shall not be within one hundred (100) yards of a dwelling house, unless the owner of such dwelling house gives his consent, or unless the entire tract appropriated is a necessary addition to or enlargement of a cemetery already in use, as further provided in ORC 1721.03.
- 2.) A mausoleum shall not be within three hundred feet of any property line.
- 3.) A Crematory or other structure shall not be within three hundred (300) feet of any property line.
- 4.) Every cemetery company or association shall cause a plat of its grounds and of the lots laid out by it to be made and recorded or filed in the offices of the county recorder in accordance with ORC 1721.09.

D. Associated Sales as accessory to and in association with an agricultural permitted use. Such associated sales to cease upon cessation of the agricultural activity. This shall include, but is not limited to, garden supplies with a nursery or greenhouse, milk products with a dairy, or imported produce with a permitted farm market or produce stand.

- E. Boarding of Animals- Kennel or other facilities for care or boarding of animals, provided it occupies a lot of not less than five (5) acres. Building, pen or other enclosure so used shall not be within two hundred (200) feet of any property line. Veterinary Services, with outside runs are permitted, provided such outside runs are not within 250 feet of a residence.
- F. Borrow Pit provided:
- 1.) it is less than 10,000 square feet in size
  - 2.) in accordance with excavation and quarry standards by the Ohio Department of Natural Resources
  - 3.) a reclamation plan is approved as part of the application for conditional use
  - 4.) All excavation and required rehabilitation shall be completed within one (1) year.
- G. Storage and Processing of Agricultural Products- Grain elevator, mill or other facilities for the storage, sorting or other preliminary processing of agricultural products including other than those produced on the premises. Storage facilities shall not be within fifty (50) feet of side or rear lot line, except when along a railroad right-of-way.
- H. Child day care of more than six but less than 12 children in a home shall be permitted provided:
- 1.) It is accessory to the principal use of the dwelling as a residence.
  - 2.) State licenses have been granted if necessary.
  - 3.) Lot size is adequate to meet the sewage disposal and water supply needs.
  - 4.) Adequate buffering to adjacent residential uses is provided.
  - 5.) Off street parking and maneuvering is provided so no car will back into roadway upon entering or leaving.
  - 6.) One ground or pole sign, not to exceed three square feet may be placed on the lawn, another flat sign may be placed on the structure, said sign not to exceed three square feet, single sided. Neither sign may be internally lit, nor made of plastic. If lighted, they must be lit by a steady indirect white light, and lit only during hours of operation.
  - 7.) Day care must be provided in the residence, or, if it is to be provided in an accessory structure, that structure must meet the local building code and no other conditional use shall be allowed on the lot.
  - 8.) Adequate indoor and outdoor space is provided for recreation. 200-sq. ft. per child shall be provided outside.
- I. Ponds - Man made ponds greater than 1,000 square feet in area may be excavated as a conditional use provided the following standards are met:
- 1.) The pond shall be designed in accordance with, and reviewed by the Delaware Soil and Water District. The District shall be responsible for the on site inspection to assure the pond is constructed according to approved plans.
  - 2.) Every pond must have an approved outlet to a creek, river or adequate swale.
- L. Farm Village Planned Unit Development (PUD) provided it meets all criteria in Section 15.05.

## **15.05 FARM VILLAGE PUD ESTABLISHED AS A CONDITIONAL USE**

### **I. Purposes of the Farm Village**

- a.) To permanently preserve viable farmland while still permitting residential growth by offering farmers alternatives to standard tract subdivision of their farms.
- b.) To encourage a less sprawling form of community development that requires shorter networks of streets and utilities and which requires less consumption of farmland by clustering house lots in a portion of a farm surrounded by preserved open space.
- c.) To preserve natural topography and wooded areas.

### **II. DEFINITIONS**

- a.) Net Developable area- The net developable area is the gross tract acreage, minus each of following, measured in acres :
  - (i) 15% of the gross tract (attributable to paved roads and utilities within conventional street rights of way),
  - (ii) Jurisdictional wetlands, as defined US Army Corps of Engineers' Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Jurisdictional wetlands as regulated by Section 404 of the Clean Water Act consist of a.) hydric soils, b.) hydrophytic vegetation and c.) wetland hydrology (this generally means they support more than 50% wetland vegetation, and are poorly drained soils which are periodically inundated or saturated ).
  - (iii) Floodplains – areas that lie within a FEMA 100-year floodplain, either with in elevations determined by FEMA or mapped by FEMA.
  - (iv) Slopes greater than 20%, including ravines shown to be critical resource areas on the Delaware County Regional Planning Commission Comprehensive Land Use Plan.
  - (v) Utility rights of way and easements for above-ground and currently existing utilities, such as exposed pipelines, and electric overhead transmission (not local service) wires that exist prior to the Farm Village Application.
  - (vi) Existing bodies of water.
- b.) Permitted density- the permitted maximum density (number of allowable dwelling units in the development) shall be determined by dividing the net developable area by three (3) acres, and multiplying by 115%. Fractions shall be rounded to the nearest whole number.
- c.) Adjustments to density for dedication- Land dedicated to public use as part of the Farm Village where public buildings occupy less than 30 % of the tract so dedicated may be included in the net developable area for density calculations. If the buildings

on the public dedication tract comprise more than 30% of the land area of the dedicated tract, the amount of acreage in excess of 30% lot coverage of the dedicated tract shall be subtracted from the net developable area and reduce overall allowable project density.

d.) Open space- The land within the development that shall not be built upon and may be classified as “common”, “natural”, or “agricultural” open space, or a combination. Open space does not include the areas of individual fee simple lots conveyed to farm village lot owners. Open space land may either be owned by the homeowner’s association, or may be owned by a third party if protected by an open space easement which permanently and irrevocably transfers the development rights from the open space land to the homeowner’s association of the Farm Village.

e.) Categories of permitted open space

1.) Common area- open space set aside for, and owned in common by the farm village residents for active or passive recreational purposes. These areas may contain accessory buildings and improvements necessary and appropriate for recreational uses. If deemed appropriate by the Board of Zoning Appeals, common area may incorporate land for on site wastewater disposal.

2.) Natural area- open space set aside for the benefit and enjoyment of the residents of the farm village as an area to be permanently in its natural condition.

3.) Agricultural open space- land intended to be preserved in agricultural use as defined in Section V.B 5 herein.

f.) Open space easement- a recorded legal instrument that transfers all development rights other than for approved open space uses from the open space to the farm village lot owners. The easement shall be tied to the title of the land regardless of the subsequent ownership of the land.

g.) Homeowner’s Association- A private non-profit corporation, association or other non-profit entity established by the developer to maintain such open space and facilities as may be dedicated to the village lot owners. Membership in such an association shall be mandatory for farm village lot owners and made a required covenant in any deed issued. It shall provide voting and use rights in the open space areas when applicable and may charge dues to cover expenses, which may include tax liabilities of common areas, recreational or utility facilities. Articles of association or incorporation must be recorded pursuant to subdivision plat approval.

h.) Single family dwellings- detached, individual dwelling units, which accommodate one family related by blood or marriage or up to five unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform either to the CABO One and Two family dwelling code, be classified as an Industrialized unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code 519.212 and 3781.06 (C)(6) definition of permanently sited manufactured housing.

III. CONDITIONS NEEDED TO CREATE A FARM VILLAGE

- A. The Board of Zoning Appeals shall find that:
- 1.) The preliminary plan conforms to the purposes of this section.
  - 2.) The preliminary plan complies with all requirements of this section.
  - 3.) The preliminary plan is in keeping with the existing land use character of the area.
- B. Process-The Board of Zoning Appeals shall convene a hearing on the Farm Village conditional use application. The following conditions shall be met on the preliminary development plan in order for the BZA to grant the conditional use permit:

- 1.) Minimum Tract size- 40 acres.
- 2.) Permitted uses- Single family detached houses, one farm market or village store as provided herein, agriculture and open space as provided herein.
- 3.) Density- The number of house lots conforms to the permitted density.
- 4.) Minimum lot size-Unless otherwise approved by the Porter Township Board of Zoning Appeals as part of the preliminary development plan, the minimum lot size for each house lot in a farm village shall be 15,000 square feet.

If on-lot well and/or septic and leach systems are required, lots shall be sized according to Board of Health requirements, or sewage treatment systems may be located within open space areas. If centralized sewage disposal is proposed with a treatment plant and land application of the treated effluents, suitable area in agriculture or managed open space must be preserved for permanent irrigation easements.

- 5.) Agricultural Open Space- For every dwelling unit proposed in the village area, at least 2 acres of agricultural open space (farmland) shall be permanently preserved. Common areas, natural areas, and land dedicated for public purpose (school, fire station, etc.) may count for up to 30% of the required agricultural open space.
- 6.) Agricultural Buffer- A (minimum) 60 feet deep landscaped or grassed buffer shall separate all house lots from abutting agricultural uses. House lots abutting agriculture shall be fenced for safety. This grassed buffer area counts towards the required 2 acres per dwelling unit of agricultural open space.
- 7.) Agricultural Easement-Language on the preliminary development plan shall indicate an easement is to be placed on the agriculture/open space land that permanently and irrevocably transfers its development rights to the Farm Village Home Owner's Association.
- 8.) Agricultural Uses permitted -The use of the preserved agricultural lands includes all uses defined by Ohio Revised Code 519.21, except feed lots, swine operations, poultry husbandry and the production of poultry or poultry products, fur bearing animal farms or nuisance agricultural uses specified in the open space easement recorded at the time of platting. Such restriction may be incorporated by the grantor of the easement, and be a part of any lease arrangement of the agricultural lands

- 9.) Frontage- Each Farm Village house lot shall front on an internal village street, either public or private, for a distance of at least 100 feet unless otherwise approved by the Porter Township Board of Zoning Appeals as part of the preliminary development plan. Second tier back lots may be permitted with 30 feet of frontage provided the lot maintains a minimum 100' lot width at the building line.
- 9.) Road design- Roads should:
- a.) Parallel and preserve existing fence lines, tree lines, and hedgerows.
  - b.) Minimize alterations of natural site features.
  - c.) Secure attractive views.
  - d.) Minimize the area devoted to motor vehicle travel.
- 10.) Water and Sewer- The water supply and wastewater treatment systems for a farm village shall comply with Ohio E.P.A. requirements. Approval of the feasibility of these designs is required as part of the preliminary subdivision plan. Actual utility system approvals shall be approved as part of the final subdivision plat.
- 11.) Farm Market -A farm market as defined by Ohio Revised Code, Section 519.21(c) may be located within the farm village or the protected easement if so approved by the homeowner's association, and shown on the plat and development plan.
- 12.) Village store- Farm Villages in excess of 100 dwelling units may construct one (1) village store (in addition to a farm market) no larger than 1,500 square feet to sell consumer grocery and convenience products. The Village store shall be shown on the development plan and shall meet the following criteria.
- 1.) No fuel sales shall be permitted.
  - 2.) The store shall adhere to the aesthetic standards prescribed for the village approved as part of the development plan. Architectural renderings are required.
  - 3.) The store or farm market may erect one wall-mounted sign on the storefront facia, to be made of wood, signboard or other natural material, and not to exceed 32 square feet. A ground sign may be erected outside the adjacent road right of way to advertise the farm market provided it is made of wood, stone or other natural material. Such sign may not exceed 20 square feet, and the height of the sign may not exceed 8 feet in height, measured from the ground to the top of the sign. No plastic internally lit signs shall be permitted. If illuminated, the sign shall be lighted by exterior light source.
  - 4.) Parking shall be provided at the ratio of one parking space per 200 square feet of retail space. The parking area shall be screened with a landscaped and planted mound system. A landscape plan shall be required as part of the development plan.
- 13.) Qualifying Sites- Land may be developed for Farm Villages if it either:

- a.) Is appraised for real estate taxes under Current Agricultural Use Valuation,  
or
  - b.) Scores at least 212.5 on the Delaware County LESA rating sheet from the US  
Department of Agriculture.
- C. Supplementary Conditions. In granting a conditional use application for a Farm Village, the Board of Zoning Appeals may prescribe appropriate conditions, safeguards and restrictions upon the use as may be necessary to ensure compliance with the requirements for such use, or to minimize potentially injurious effects of such use, or to carry out the general purpose and intent of this resolution. Conditions, safeguards and restrictions may include but are not limited to, limitations on the extent of development or request for additional screening by fence or landscaping, a change in the proposed method or plan for lighting, control of access or other conditions of development as may be required by the Board. Violation of any such condition, safeguard or restriction, when made part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution.
- D. Effect of Approval. Within a reasonable period of time after concluding the public hearing, the Board of Zoning Appeals shall approve, approve with supplementary conditions, or disapprove the application for a conditional use and the preliminary plan. The Board of Zoning Appeals shall, within 30 days of a final approval, forward the application to the Porter Township Zoning Commission to hold hearings on the final development plan. The approval by the Board of Zoning Appeals of the conditional use application and preliminary development plan shall constitute the approval designating the property as a PUD; provided, however, that no use or development of such property shall occur unless and until a final development plan is approved by the township Board of Zoning Appeals that conforms with the remaining provisions of this article.

#### IV. FINAL DEVELOPMENT PLAN

- A. A final development plan shall be reviewed by the Township Zoning Commission. The applicant shall schedule a walkabout with the Zoning Commission on the site at a mutually agreeable time prior to the public hearing. The Zoning Commission may request the Delaware County Regional Planning Commission for review and comment.
- B. The Development Plan shall show proposed engineering, landscaping, and architectural design criteria. It shall be prepared and/or stamped by a licensed registered landscape architect, architect, and professional engineer.
- C. The final development plan shall incorporate:
  - 1.) All requirements for the preliminary and final development plans at a detail of 1"=100' scale.
  - 2.) Centrally located open space(s) in the village area such as a town common, square, park, or similar areas. Natural features, (ravines, views, vegetation, waterways, etc.) should be preserved and incorporated into the overall design wherever possible.
  - 3.) An architectural rendering of all structures, with exterior materials and colors stipulated to be used. The use of natural materials and colors is strongly advised. The project architect shall give due regard to the footprints, building

orientation, massing, roof shape and pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site.

- 4.) Sidewalks or paths shall be provided in the village area. Unless otherwise recommended on the final development plan by the Zoning Commission, and approved by the Board of Zoning Appeals sidewalks shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed green strip.
  - 5.) Street trees planted (or saved) at the rate of one per 60 feet of frontage on both sides of the street. Trees may be placed in the 5 foot green strip if permitted by the Township Trustees and the County Engineer, otherwise they shall be placed in the front lawn of the residences.
  - 6.) Setbacks- Structures shall be setback a minimum of 50 feet from the village street centerline, or as approved per plan. Garages shall be adequately setback to permit 2 off street parking spaces in the driveway in front of the garage without blocking the sidewalk.
  - 7.) Minimum Lot Width at the building line- 100 feet, or as approved per final development plan.
  - 8.) Minimum Side yards- Eight feet (both sides) for houses, five feet for garages. Detached garages with one hour fire rated construction may be constructed within three feet of the lot line provided the garage is located to the rear of the house, and that the garage does not abut an adjacent residence.
  - 9.) Minimum Rear yard- Fifty (50) feet for houses and attached garages; five feet for detached garages.
  - 10.) Street lighting, if provided, must be of white light, with light standards of traditional design, maximum height 20 feet.
  - 11.) All signage and entrance features shall be illustrated in the development plan as part of the development plan submission.
  - 12.) The design should seek to preserve wherever possible some element of natural features if such areas exist, such as wetlands, floodplains, slopes greater than 20%, ravines, or dense woods.
  - 13.) Other required provisions as stated in this resolution.
- D. Recommendation by Zoning Commission to Board of Zoning Appeals-The Zoning Commission shall hold a public hearing to determine whether the final development plan meets the standards of this section. The Zoning Commission shall complete its review and make a recommendation on the final development plan to the Board of Zoning Appeals, who shall then act upon the final development plan.
- E. Subdivision Plat-Following the approval of a final development plan by the Board of Zoning Appeals, the applicant shall, within 18 months, submit a subdivision plat to the Delaware County Regional Planning Commission for approval and recording.

## V. SUBDIVISION PLAT

The Delaware County Regional Planning Commission must approve a Farm Village subdivision plat. The plat shall conform to the final development plan.

1.) The open space shall be protected by:

- a.) Subdivision plat restrictions (at the time of platting)
- b.) Zoning – the development plan approved as part of the conditional use
- c.) Permanent easement (at the time of platting) permanently and irrevocably transferring the development rights from the preserved farmland/open space to the Farm Village Home Owner’s Association, and prohibiting any use of the preserved lands other than for agriculture or as permanent open space.
- d.) The agricultural open space shall either be:
  - 1.) Held by the homeowner's association of the farm village in fee simple, or
  - 2.) Held by others, but restricted by open space easement, which grants all development rights to the homeowners association of the farm village or to an approved conservation trust.
  - 3.) The easement shall run with the land and shall stipulate:

i.) The open space shall be maintained in perpetuity for agriculture, or in the alternative, as managed open space as approved by the development plan.

ii.) Lease terms, if the land is to be leased for agricultural use.

iii.) Specific terms regarding nuisance operations and hours of operation as may be agreeable between the farmer and the homeowner’s association.

iv.) How the agricultural easement may be amended relative to item iii above.

v.) Nuisance Waiver- The easement document shall also advise all residential purchasers of village lots in their deeds that agriculture by nature has some inherent noise, dust, and odors attributed with it that residents of the village should be prepared to accept. Purchasers of village lots shall sign said nuisance waiver. Such mutual agreements as may be appropriate to the specific village should be spelled out for the benefit of the agricultural and the residential use of the adjacent lands.

2.) Phasing - Phasing the development is permitted, provided the plat and deed restrictions that accomplish the required farmland preservation have been recorded with the Delaware County Recorder. All required open space, or open space development rights for each phase shall be platted and transferred to the village lot owners upon the initial sale of that phase of farm village lots.

- 3.) A homeowner's association shall be established to:
  - a.) Maintain roads (if private).
  - b.) Maintain community water and sewer systems.
  - c.) Maintain such open space areas as may be dedicated to it.

VI. EXTENSION OF TIME OR MODIFICATION OF FINAL DEVELOPMENT PLAN

- 1.) In the event the applicant fails, within the allotted time period(s) to either submit a plat for approval or to record an approved subdivision plat, the conditional use permit shall expire and no work may commence or continue without a new conditional use approval from the Board of Zoning Appeals.
- 2.) An extension of the time limit for either filing the required subdivision plat or recording the approved subdivision plat may be granted by the Porter Township Board of Zoning Appeals provided 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.
- 3.) A request for minor changes to the final development plan may be approved by the Board of Zoning Appeals without being subject to the same procedures as the original application.
  - a.) 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, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application.
    - (i) A change in the use or character of the development
    - (ii) An increase in overall lot coverage of structures and off-street parking
    - (iii) An increase in the density
    - (iv) An increase in the problems of traffic circulation and public utilities;
    - (v) A reduction in approved open space;
    - (vi) A reduction of off street parking and loading space;
    - (vii) A reduction in required pavement widths;
    - (viii) A reduction of the acreage in the planned development;
    - (ix) Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.