

# EXHIBIT A

Sec. 158.177. - Changes in Conceptual Plans.

(A) ~~Major~~ ~~Minor~~ changes ~~in to~~ conceptual plans approved as a part of the rezoning to PUD may be permitted. ~~The City Council upon application by the developer or his successors in interest, without the filing of a new application for PUD rezoning, provided that any change does not result in any of the following~~ Changes to an approved PUD which would be considered major are as follows:

- (1) An overall increase in number of dwelling units of over one (1%) percent.
- (2) A reduction of the area set aside for community open space or a relocation thereof of more than five (5%) percent.
- (3) An overall increase in proposed floor area of over five (5%) percent.
- (4) An overall increase by more than five (5%) percent of the total impervious surface area.
- (5) An increase in the number of floors of a building or an increase in height, except as permitted by Sec. 158.177(D).
- (6) A modification in original design concept, such as an addition of land use category, change in traffic pattern or access and egress, or an increase of traffic generation exceeding that previously submitted by more than ten (10%) percent.
- (7) Any increase or decrease of more than ten (10%) percent of the total land area occupying a particular land use.

(B) To apply for a ~~minor~~ major change in conceptual plans, the developer or his successors in interest shall submit the following information to the office of the Zoning Administrator.

- (1) An up-to-date statement presenting evidence of unified control of the entire area within the PUD and a renewed agreement to all provisions set forth in subsection 158.175(A)(1) and affected by the proposed changes.
- (2) A written statement clearly setting forth all proposed changes in the conceptual plan, setting forth in comparable fashion all applicable plan data and for both the currently approved conceptual plan and the conceptual plan as proposed for change.
- (3) Revised copy of the conceptual development plan containing all proposed changes.
- (4) A revised copy of all other documents or reports submitted as part of the original application and affected by the proposed changes.
- (5) Revised copies of any additional covenants, agreements, or stipulations made a part of the original approval action and affected by the proposed changes.

(C) Any application for ~~minor~~ major changes in conceptual plans is subject to the ~~newspaper notice and public hearing~~ requirements as set forth for rezonings in this chapter and shall be submitted to the site plan review committee and Planning and Zoning Board for review and recommendation, and the recommendations of the committee and board shall be entered into the official record of the application and shall be considered by the City Council prior to the taking of official action upon application. Any proposed change in conceptual plans ~~which does not qualify as a minor change~~ as set forth above shall be considered a major change and shall require a rezoning application meeting all applicable requirements of this chapter for PUD rezoning.

(D) The Planning and Zoning Director may consider and administratively approve the following minor changes to an approved PUD:

1. Minor changes which do not trigger the standards listed under Section 158.177 (A).
2. Reduction in the number of dwelling units or a decrease in floor area.
3. Reduction in the number of dwelling units or floor area in one phase of the project with a corresponding increase in the number of units or square footage in another portion of the project.
4. Minor changes to the configuration of uses, open space, stormwater, utility, and roadways to overcome a particular difficulty or to achieve a more functional and desirable use of the property than was originally anticipated provided the proposed changes do not alter the intent and purpose of the approved overall development plan, do not alter the intent and purpose of the associated NCD District concept plan, and do not conflict with a specific provision of the adopted PUD approval.
5. Minor changes to maximum height limits that do not exceed thirty-six inches.

(E) The Planning and Zoning Director may refer minor changes to an approved PUD to the Site Plan Review Committee and/or the City Council. Any denial of a proposed change by the Director or the Site Plan Review Committee may be appealed to the City Council. To apply for a minor change in conceptual plans reviewed by the Planning and Zoning director, the developer or his successors in interest shall submit the following information to the Planning and Zoning Director:

1. A written statement clearly setting forth all proposed changes in the conceptual plan and regulation book, setting forth in comparable fashion all applicable plan data for both the currently approved conceptual plan and regulation book.
2. Revised copy of the conceptual plan containing all proposed changes.
3. Proof of ownership of the property(s) that is the subject of the proposed changes.