

Chapter 4.6 Modifications to Approved Plans and Conditions of Approval

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4.6.100 Modifications - Purpose

The purpose of this Chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

4.6.200 Modifications - Applicability

A. This Chapter applies to all development applications approved through the provisions of Chapter 4, including:

1. Land Use Review Approvals (Type II only);
2. Site Design Review approvals;
3. Subdivisions, Partitions, and Property Line Adjustments;
4. Conditional Use Permits;
5. Historic Alteration Permits;
6. Master Planned Developments; and
7. Conditions of approval on any of the above permit types.

B. This Chapter does not apply to Comprehensive Plan amendments, land use district changes, text amendments, annexations, temporary use permits, or other permits not listed in subsection A.

4.6.300 Major Modifications

A. Major Modification Defined. The Community Development Director shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A change in land use;
2. An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;
3. A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
4. A change in the type and/or location of access-ways, drives or parking areas affecting off-site traffic;
5. An increase in the floor area proposed for non-residential use by more than 15 percent where previously specified;
6. A reduction of more than 10 percent of the area reserved for common open space; or
7. Change to a condition of approval, or a change similar to items 1-6, that could have a detrimental impact on adjoining properties. The Community Development Director shall have discretion in determining detrimental impacts warranting a major modification.

Note: Modifications to approved Master Plans shall also meet the requirements established in 4.5.180.A-H.

B. Major Modification Applications; Approval Criteria. An applicant may request a major modification using a Type II or Type III review procedure, as follows:

1. Upon the Community Development Director determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Community Development Director may require other relevant information, as necessary, to evaluate the request.
2. The application shall be subject to the same review procedure (Type II or III), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.
3. The scope of review shall be limited to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, storm drainage, lighting, trees, and landscaping. Notice shall be provided in accordance with Chapter 4.1.
4. The decision making body shall approve, deny, or approve with conditions an application for major modification based on written findings on the criteria.

4.6.400 Minor Modifications

A. Minor Modification. Any modification to a land use decision or approved development plan that is not within the description of a major modification as provided in Section 4.6.300.A, above.

B. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the Community Development Department using a Type I or a Type II review procedure under Section 4.1.200 or 4.1.300. The Community Development Director is responsible for determining the appropriate review procedure based on the following criteria:

1. Minor modifications that involve only clear and objective code standards may be reviewed using a Type I procedure;
2. Minor modifications that involve one or more discretionary standards shall be reviewed through Type II procedure; and
3. When the code is unclear on whether the application should be a Type I or Type II review, a Type II procedure shall be used.

C. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Community Development Director may require other relevant information, as necessary, to evaluate the request.

D. Minor Modification Approval Criteria. The Community Development Director shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as described in Section 4.6.300.A, above.