

Chapter 4.6 - Modifications to Approved Plans and Conditions of Approval

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4.6.100 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 Applicability

- A. This Chapter applies to all development applications approved through the provisions of Chapter 4, including:
 - 1. Land Use Review approvals;
 - 2. Site Design Review approvals;
 - 3. Subdivisions, Partitions, and Property Line Adjustments;
 - 4. Conditional Use Permits;
 - 5. Master Planned Developments; and
 - 6. Conditions of approval on any of the above permit types.
- B. This Chapter does not apply to Comprehensive Plan amendments, land use zone 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 City Planning Official shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A significant change in land use defined as one that would result in a change of “Use Categories” as recognized in Chapter 1.4 or as may be determined by the City Planning Official;
2. An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use zone or as approved in a Master Planned Development;
3. A change in setbacks or lot coverage by more than 30 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use zone or as approved in a Master Planned Development;
4. A change in the type and/or location of access-ways, drives or parking areas significantly affecting off-site traffic;
5. An increase in the floor area proposed for non-residential use by more than 20 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 significant detrimental impact on adjoining properties. The City Planning Official shall have discretion in determining detrimental impacts warranting a major modification.

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

1. Upon the City Planning Official 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 Planning Official may require other relevant information, as necessary, to evaluate the request.
2. The application shall be subject to a Type II procedure utilizing the approval criteria employed in the initial project approval with the following exceptions. Adding a conditional use to an approved project shall be subject to a Type III procedure. In addition, if in the judgment of the City Planning Official the modification request is of such a magnitude or level of discretion as to warrant additional review, the modification request shall be reviewed using a Type III procedure if the initial request was processed as 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, lighting, trees, and landscaping. Notice shall be provided in accordance with Chapter 4.1.
4. The City Planning Official or 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 Planning Official using a Type I procedure under Section 4.1.200. The Planning Official is responsible for determining the appropriate review procedure based on the following criteria.
- 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 Planning Official may require other relevant information, as necessary, to evaluate the request.
- D. Minor Modification Approval Criteria.** The Planning Official 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.