

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. Site Design Review approvals;
 - 2. Subdivisions, Partitions, Replats, and Lot Line Adjustments;
 - 3. Conditional Use Permits;
 - 4. Master Planned Developments; and
 - 5. Conditions of approval on any of the above application types.
- B.** This Chapter does not apply to land use district changes, text amendments, temporary use permits, or other permits.

4.6.300 Major Modifications.

- A. Major Modification Defined.** The Planning Official shall determine that a major modification(s) request is required if one or more of the changes listed below are proposed:
 - 1. A change in land use, from a less intensive use to a more intensive use, as evidenced by parking, paved area, an estimated increase in automobile or truck trips, an increase in hours of operation, an increased demand for parking, additional paved area, or similar factors, where the increase is 20 percent or more, provided the standards of Chapter 2 and Chapter 3 are met;
 - 2. An increase in the number of dwelling units in a multi-family development, or the number of lots in a proposed subdivision, by 10 percent or more, provided the standards of Chapter 2 and Chapter 3 are met;

3. A change in the type and/or location of vehicle access points or approaches, driveways, or parking areas affecting off-site traffic when the roadway authority determines the change could cause a significant adverse impact on traffic operations or safety (i.e., requiring mitigation);
4. An increase in the floor area proposed for commercial or industrial use by more than 15 percent where previously specified;
5. A reduction to screening, or a reduction of more than 10% percent of the area reserved for common open space and/or usable open space or landscaping;
6. A reduction to specified setback requirements by more than 10% percent, or to a degree that the minimum setback standards of the land use district cannot be met and provided the standards of Chapter 2 and Chapter 3 can be met;
7. An increase in lot coverage, by 10 percent or more, provided the standards of Chapter 2 and Chapter 3 are met.
8. Changes similar to those listed in 1-7, which are likely to have an adverse impact on adjoining properties.

B. Major Modification Request. An applicant may request a major modification as follows:

1. Upon the Planning Official determining that the proposed modification is a major modification, the applicant shall submit an application for the major modification.
2. The modification request shall be subject to the same review procedure (Type I, II, or III) and approval criteria used for the initial project approval, however, the review shall be limited in scope 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 pathways, lighting, and landscaping. Notice shall be provided in accordance with the applicable review procedure.

4.6.400 Minor Modifications.

A. Minor Modification Defined. 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, above, shall be considered a minor modification.

B. Minor Modification Request. An application for approval of a minor modification is reviewed using the Type II procedure in Section 4.1.400. A minor modification shall be approved, approved with conditions, or denied by the Planning Official based on written findings on the following criteria:

1. The proposed development complies with all applicable requirements of the Development Code,
2. The proposed modification complies with the conditions of approval of the original decision; and
3. The modification is not a major modification as defined in Section 4.6.300, above.