



## **Minor Modification**

### **Attachment to Administrative Review Application Form**

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When a discretionary review, such as a site review, use review, or form-based code review (or a former review type such as planned unit development), is approved, site, building, and/or landscape plans are part of the approval documents. If an applicant does not wish to develop a property as approved, there are two methods available to attempt to change the approved plans for a project: a minor modification and an amendment. Amendments require a development review application and approval through the site review, use review, or form-based code review process. However, if the proposed changes are minor and are in keeping with the intent of the original approval, they may be eligible for minor modification approval. Requests for a minor modification must be considered through an administrative review application.

In order for an administrative review application to be approved for a minor modification, Planning and Development Services must find that the proposed changes meet the relevant criteria listed on the following pages.

The administrative review application must include:

1. Administrative Review Application Form.
2. Written Statement, which addresses how the proposal meets the applicable review criteria.
3. Approved discretionary review plans, which show, in redline form, the proposed modifications being requested.
4. Proposed plan set, including, but not limited to site plan, elevations, utilities, floor plans, etc.
5. For projects that are partially or totally developed, the applicant must provide notice to owners of property within the development that might be affected by the proposal. The applicant must also provide proof of this notification (i.e. copies of letters, mailing lists, etc.) as part of the initial application submittal. Applicants should contact Planning and Development Services for a determination of affected owners.

An applicant should note that if a proposed change to a previously approved plan does not meet the minor modification criteria, then an application for a site review amendment, a use review amendment, or a form-based code review amendment may be appropriate. Contact Planning and Development Services for additional information.

### **Application Fees:**

Please note that applications for administrative reviews are not subject to hourly billing and are not meant to be iterative. The application fee covers one staff review. If an application is incomplete or cannot be approved after the initial staff review, a full resubmittal, including a new application and fee, will be required. Typically, corrections to plans will not be accepted however, staff will use their discretion in determining whether minor corrections can be accepted. Contact Planning and Development Services staff for additional information.

## MINOR MODIFICATIONS FOR USE REVIEW: SECTION 9-2-15(I)

The approved site plan associated with a use review approval may be modified as provided in Subsection 9-2-14(k), B.R.C. 1981, if it does not expand the use, any changes conform to Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981; the impact on other uses of the approved use review is not changed; and the change complies with all other provisions of this title and any other ordinance of the city.

## CRITERIA FOR SITE REVIEW AND USE REVIEW MINOR MODIFICATIONS: SECTION 9-2-14(K)

Changes to the site plan, building plans, and landscaping plans may be approved by the city manager without an amendment to the site plan if such changes are minor. All minor modifications shall be noted, signed, and dated on the approved site plan. For proposed minor modifications of site review projects that are partially or totally developed, the applicant shall provide notice to any owners of property within the development that might be affected as determined by the city manager. In determining whether a proposed change is a minor modification, the following standards shall apply:

- (1) Setbacks along the boundary of the site plan area cannot be reduced by a minor modification to be less than the minimum setbacks permitted by the underlying zoning district;
- (2) Excepting any site plan approval consisting of detached dwelling units on individual lots where no maximum floor area ratio applies, the floor area of the development, including principal and accessory buildings, may be expanded by the cumulative total of no more than the greater of ten percent or two hundred square feet or, in the case of a building that exceeds the permitted height, no more than five percent, except that the portion of any building over thirty-five feet in height may not be expanded under the provisions of this paragraph. However, the floor area or FAR shall not exceed the maximum floor area or FAR of a zoning district or granted in the site review approval, if such amount requires special approval through the site review process;
- (3) Approved commercial and industrial building locations may be moved or expanded by no more than the greater of ten feet, or ten percent of the length of the building, measured along the building's axis in the direction that the building is being moved or expanded;
- (4) Approved principal and accessory building locations may be moved or expanded by no more than ten feet in any direction within the development in residential districts and lots abutting residential districts. The resulting setbacks shall not be less than the minimum allowed setback of the underlying zone;
- (5) Dwelling unit type may not be changed;
- (6) The portion of any building over the permitted height under Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, may not be expanded under the provisions of this subsection;
- (7) No increase may be granted to an open space reduction or to a parking reduction in excess of that allowed in Subsection 9-9-6(f), B.R.C. 1981;
- (8) Solar panels that are proposed to be mounted on a building's roof may not substantially add to the mass or perceived height of the building and shall be consistent with Sections 9-7-7, "Building Height, Conditional," and 9-9-7, "Solar Access," B.R.C. 1981. Solar panels proposed to be ground mounted may not result in a building coverage greater than permitted by the zone and shall not result in open space less than required by Chapter 9-8, "Intensity Standards," B.R.C. 1981; and
- (9) No change may alter the basic intent of the site plan approval.

## CRITERIA FOR FORM-BASED CODE REVIEW MINOR MODIFICATIONS: SECTION 9-2-16(J)

Modifications to the site plan, building plans, landscaping and parking plans previously approved through a form-based code review application may be approved by the city manager without requiring an amendment to the approved form-based code review if such changes are minor. All minor modifications shall be noted, signed, and dated on the approved form-based code review plans. For proposed minor modification of form-based code review projects that are partially or totally developed, the applicant shall provide notice to any owners of property within the development that might be affected, as determined by the manager. The following standards apply to minor modifications:

- (1) On a street facing façade, the following shall be met:
  - (i) Window sizes, types, and dimensions are not shifted by more than 10 feet in either direction per floor, transparency requirements are not reduced by more than 10 percent of the approved percentage and required minimum transparency per floor is maintained, and the general pattern of the windows is not substantially altered from the form-based code review approval;
  - (ii) The approved total percentage of major materials is not reduced; and
  - (iii) Building bay configurations may be shifted or transposed, if otherwise consistent with these criteria;
- (2) No modification or cumulative modifications from the form-based code review approval results in an expansion or shifting of floor area by more than ten percent of the floor area of the project;
- (3) The sum of all cumulative modifications to the site plan, building plans, landscaping and parking plans approved under this subsection (j) does not exceed ten modifications per building and may be considered under one or more minor modification applications so long as ten modifications per building is not exceeded. For the purposes of this subsection, one modification shall mean one aspect of the design that is changing in respect to an Appendix M standard and not every individual change. For example, one particular dimensional change applied to ten windows shall count as one modification, not ten modifications; and
- (4) All modifications are consistent with the requirements of Appendix M, "Form-Based Code," and do not include any exception requests.