

## **Chapter 4.6 Modifications to Approved Plans and Conditions of Approval**

### **Sections:**

**4.6.100 - Purpose**

**4.6.200 - Applicability**

**4.6.300 - Major Modifications**

**4.6.400 - Minor Modifications**

### **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 Town 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, 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 Town Planning Official 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 the number of dwelling units;
  3. A change in the type and/or location of access-ways, drives or parking areas that affect off-site traffic;
  4. An increase in the floor area proposed for non-residential use by more than 15 percent where previously specified;
  5. A reduction of more than 10 percent of the area reserved for common open space and/or usable open space;
  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; or
  7. Changes similar to those listed in 1-6, 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 Town 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 which 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 Type II procedure in Section 4.1.400. A minor modification shall be approved, approved with conditions, or denied by the Town Planning Official based on written findings on the following criteria:

**4.6.400 Minor Modifications.** *(continued)*

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