

# Minor Modification



## Facts to Know

### RELATED FACTS TO KNOW:

Pre-Application Meeting, Zone Change, Subdivision, and Development Plan.

### INTRODUCTION:

The Minor Modification process provides a way to change a previous land use approval or may be processed as a concurrent review with development plans, building permits, and subdivision plats. In order to save the applicant time and also ensure zoning objectives are met, the city has determined that some minor exceptions to code requirements may be processed by administrative review. The development subject to minor modification involves small percentages, or dimensions, and may be for residential, commercial, or industrial projects.

### GENERAL TIMEFRAME:

- The time to process a minor modification application typically takes **5 weeks** for both single-family residential and non-single-family residential requests. In certain cases, depending on the complexity and magnitude of the request, the time to process an application may take longer, or an additional submittal may be required. It is best to check with planning staff to determine if this may be a possibility for your application.
- To ensure the efficient processing of an application, **it is in the applicant's best interest to submit a complete and thorough application** and verify that subsequent submittals adequately address all comments that were provided.
- No building permit may be submitted for review until all development review applications have been approved.**

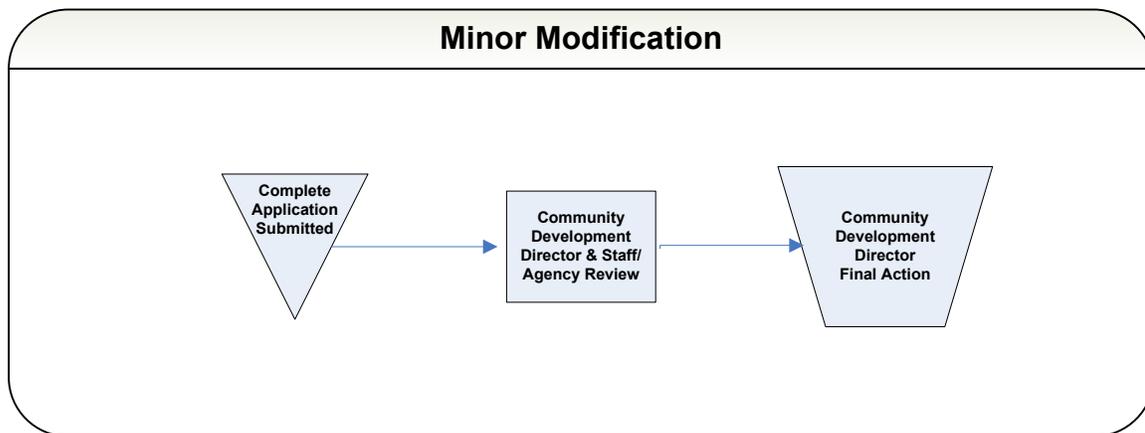
### GENERAL NOTES:

- The following deviations from the city's general standards or approved PUD zone documents are considered minor modifications:
  - Up to 20% of any minimum or maximum standard;
  - An additional one foot of fence height;
  - Up to 50% of the minimum fence setback;
  - A screen fence instead of an open style fence; or
  - A reduction to the Floor Area Ratio requirement.
- The modification of any design standard set forth in article VII **shall not** be considered a minor modification and shall be governed by the sections in article VII that discuss alternative compliance.

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- ❑ **Prohibited Modifications:** In no circumstance shall the director approve a minor modification that is not specifically listed above or that results in any of the following:
  - ➔ An increase in permitted maximum development density or intensity;
  - ➔ A change in permitted uses or mix of uses;
  - ➔ An increase in building height over 10 percent; or
  - ➔ A decrease in the amount of required common or dedicated open space.
- ❑ If construction of a structure is required, a minor modification shall lapse unless a building permit has been issued and construction diligently pursued within one year of approval or at such alternative time specified in the approval. In the event no new structure is required to operate, then the minor modification shall lapse if the development is not commenced within 180 days of the approval.

## MINOR MODIFICATION FLOWCHART:



## REVIEW PROCESS:

- ❑ A request for a Minor Modification usually is initiated by the property owner or a qualified representative following the Pre-Application process.
- ❑ The process begins when a completed application, associated materials, and the non-refundable fees are submitted for city review. The application is reviewed by the Planning Division for completeness, and then referred to various departments for comment.
- ❑ Based on the results of those reviews, the Community Development Director will take final action on the Minor Modification application and either approve, approve with conditions, or deny such application.

## MINOR MODIFICATION APPROVAL CRITERIA:

- A minor modification may be approved if the director finds that:
  - a. The modification is necessary to satisfy the federal requirements for reasonable accommodation of housing for protected groups under the Federal Fair Housing Amendments Act; or
  - b. All of the following have been met:
    - i. The requested modification is consistent with the comprehensive plan and the stated purpose of this land development code;
    - ii. As applicable, the requested modification is consistent with the final plan or plat;
    - iii. The requested modification will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public;
    - iv. Any adverse impacts resulting from the modification will be mitigated to the maximum extent feasible;
    - v. No additional dwelling units would result from approval of such minor modification; and
    - vi. The requested modification is either:
      - (a) Of a technical nature and is required to compensate for some practical difficulty or unusual aspect of the site or the proposed development that is not shared by landowners in general; or
      - (b) An alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified.
  - c. A minor modification to a **Floor Area Ratio** requirement may be approved, if the director finds that the criteria above have been met and all of the following have been met:
    - i. The reduction in Floor Area Ratio will not result in the property being used solely for outdoor storage.
    - ii. The proposed development exceeds the city's minimum landscape standards in one of the following ways:
      - a. The buffer area for incompatible land uses found in Table VII-18 has been increased by 50%;
      - b. The living plant material coverage required in Table VII-13 is equal to 100% of the landscape square footage area;
      - c. The number of trees and shrubs required by Table VII-13 has been increased by 25%; or the proposed development demonstrates an architectural design quality that exceeds the LDC's minimum architectural design standards.
      - d. The overall landscape square footage area has been increased by 10% (excluding right-of-way landscaping and parking lot perimeter landscaping).
    - iii. The proposed development demonstrates an architectural design quality that exceeds the LDC's minimum architectural design standards.
    - iv. The subject property is not located within one-half mile of the following, as they are identified in the Comprehensive Plan:
      - a. Transit Station (excluding traditional bus stops);
      - b. Redevelopment Focus Area;
      - c. Employment Campus/Business Center;
      - d. Regional Commercial Center; or
      - e. Activity Center

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- v. If the subject property is visible from an arterial street, a state or US highway, or a limited access expressway as identified by the Transportation Plan, a masonry wall or similar high quality wall and additional landscaping has been incorporated to screen any outdoor storage from view.
  
- vi. In cases where the applicant requests that the Floor Area Ratio be reduced to zero:
  - a. The property must be 5 acres or more in size; and
  - b. The project implements the goals and objectives of the city's economic development plan.

## MINOR MODIFICATION SUBMITTAL REQUIREMENTS:

Please note that incomplete submittals will not be accepted for review. Any inaccurate or incomplete information provided by the applicant may cause the application to be returned to the applicant and/or delay review cycles which may impact the case completion time frame. Please visit [c3gov.com/etrakit](https://c3gov.com/etrakit) for complete information for submitting for this application type. The following items will need to be included in your submittal package.

- Development review application and applicable non-refundable fee.
  
- General warranty deed, with a complete legal description (often times in the form of Exhibit "A," attached to the warranty deed) for the property or properties for which the application is made.
  
- Site plan shall show the location of all proposed buildings, including their distance to the property lines and from buildings on adjacent properties; other structural features; and landscaping. The site plan shall be drawn on 8 ½" by 11" paper, **to scale** (e.g., 1" = 20') with a straight edge (ruler), using a dark ink pen. An example of a site plan may be obtained from the Community Development Department. **Oversized plans shall be folded to a standard size. Non-folded oversized plans will not be accepted.**
  
- Details of the proposed structure (porch, shed, sign, dwelling, etc.) to include elevations, heights, sizes, etc.
  
- Minor Modification Narrative Questionnaire. This questionnaire is found at the end of this packet and must be filled out completely and accurately before the application will be accepted.
  
- Any color photographs or pictures associated with the application request (if applicable).
  
- Any other information or technical studies, as determined by the city.







