



Minor Modification

Attachment to Administrative Review Application Form

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. There are several options to change the approved plans for a project. If 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 are considered through an administrative review application.

For minor modification approval, Planning and Development Services must find that the proposed changes meet the relevant standards listed on the following pages.

The administrative review application **must** include:

- Persons in Interest - A completed and signed [Persons in Interest Form](#)
- Written Statement - A detailed written statement thoroughly describing the request(s) and addressing all pertinent review criteria
- Plans - Proposed plan set, including, but not limited to site plan, elevations, utilities, floor plans, etc
- Previous Approvals – Approved discretionary review plans, which show, in redline form, the proposed modifications being requested
- Written Notice – Staff will determine which properties within the development would be affected by the proposed change and will provide notice pursuant to Subsection 9-4-3(b), B.R.C. 1981, of the proposed change to all property owners determined to be affected.
- 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 for a determination of affected owners

The following **may be required** based on the scope of the project:

- Survey - A signed and stamped Improvement Location Certificate or Site Improvement Survey and legal description by a registered Surveyor
- Additional Application Materials - Any other information or materials pertinent to the request (e.g. photos, etc.)

An applicant should note that if a proposed change to a previously approved plan does not meet the minor modification standards, then an application for a site review amendment, a minor 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 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.

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

- (k) Minor Modifications to Approved Site Plans: The city manager reviews applications for minor modifications pursuant to the procedures in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981.
 - (1) Standards: Minor modifications may be approved if the proposed modification complies with the following standards:
 - (A) Scope: The proposed modification is to the approved plans.
 - (B) Intent: The modification does not alter the basic intent of the site plan approval;
 - (C) Residential Uses: The housing type is not changed;
 - (D) Height: No portion of any building is expanded above the height permitted under Sections 9-7-1, "Schedule or Form and Bulk Standards," or 9-7-6, "Building Height, Conditional," B.R.C. 1981;
 - (E) Parking: Any parking reduction is reviewed and approved through the process and criteria in Subsection 9-9-6(f), B.R.C. 1981;
 - (F) Solar Panels: Any solar panels do not substantially add to the mass or perceived height of the building and comply with all applicable building height, solar access, building coverage, and open space requirements;
 - (G) Other Requirements: The modification complies with all other applicable requirements of this title; and
 - (H) Modified Standards: The numeric standards in the site plan are not modified by more than allowed through Table 2-3.

Table 2-3: Minor Modification Standards

Standard modified	Maximum allowed as a minor modification
Setbacks: interior to the site plan area	No limit to setback modifications
Setbacks: along boundary of site plan area	Minimum zoning district requirement
Floor area (cumulative in minor modification processes)	Increase of up to 10 percent of the floor area granted in the site review approval, not to exceed the floor area ratio listed in Chapter 9-8, "Intensity Standards," B.R.C. 1981. These limitations on floor area do not apply to detached dwelling units on individual lots in zoning districts without a maximum floor area ratio.
Open space	Minimum zoning district requirement

Building location	Up to 10 percent of the length or width of the building
Building envelope	Increase of up to 10 percent in area

- (2) Notification: If an applicant requests approval of a minor modification to an approved site review, the city manager will determine which properties within the development would be affected by the proposed change. The city manager will provide notice pursuant to Subsection 9-4-3(b), B.R.C. 1981, of the proposed change to all property owners so determined to be affected.

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

(j) Amendments and Minor Modifications: No person shall modify an approved use review without a new use review approval, except that minor modifications may be approved pursuant to Section 9-2-2, "Administrative Review Procedures," B.R.C, 1981, provided that the minor modification meets the following standards:

- (1) The use is not expanded and the modification is otherwise substantially consistent with the conditions of the original approval;
- (2) The modification does not adversely increase impacts to other surrounding properties or adjacent uses; and
- (3) The site plan complies with all other provisions of this title and any other ordinance of the city.

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.