

Chapter 245 MODIFICATIONS

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245.01 Purpose. The purpose of this Chapter is to provide standards for granting modifications to land use applications approved by this Ordinance.

245.02 Applicability

- A. Appropriate requests. An applicant may seek a modification to any land use decision or application which has been submitted to the Planning Department.
- B. Prohibited requests. An applicant may not seek a modification for a use that is not otherwise permitted by right or conditionally in the underlying zone.

245.03 Process Type. Modifications shall be processed by the following means:

- A. The modification of an existing Type I or Type II land use decision or application shall be reviewed by means of a Type I procedure, per Section 115.05. Criteria listed in the applicable land use zone or overlay zones will apply, in addition to approval criteria listed in Section 245.05.
- B. The minor modification of an existing or re-activated Type III request shall be reviewed by means of a Type I procedure, per Section 115.05. Criteria listed in the applicable land use zone or overlay zones will apply, in addition to approval criteria listed in Section 245.05.
- C. The major modification of an existing or re-activated Type III request shall be reviewed by means of a Type III procedure, per Section 115.07. Criteria listed in the applicable land use zone or overlay zones will apply, in addition to approval criteria listed in Section 245.05.
- D. The modification of an existing Type IV land use decision or application shall be reviewed by means of a Type IV procedure, per Section 115.08. Criteria listed in the applicable land use zone or overlay zones will apply, in addition to approval criteria listed in Section 245.05.

245.04 Determination of Modification Type for Conditional Use Permits

- A. Determination request. The applicant may request a determination of the review type for a modification of an existing conditional use by providing the Planning Director with the proposed modified conditional use site plan and a narrative addressing the proposed changes as listed below:

1. Major Modification. The Planning Director shall determine that a major modification has resulted if there has been a change in the land use, or an increase in the conditional use activity by 20% or more.
2. Minor modification. A modification of an existing conditional use will be deemed a minor modification if it does not meet the criteria contained in Section 210.04 (A)(1).

245.05 Approval Criteria

A. Type I modification requests.

1. A minor modification of an existing Type I or Type II request shall be approved, approved with conditions, or denied based on compliance with the following approval criteria:
 - a. The proposed development is in compliance with all applicable requirements of this Ordinance; and
 - b. The modification is not a major modification as defined in Section 245.04(A)(1).
2. A minor modification of an existing or re-activated Type III request shall be approved, approved with conditions, or denied based on compliance with the following approval criteria:
 - a. The proposed development is in compliance with all applicable requirements of this Ordinance; and
 - b. The modification is not a major modification as defined in Section 245.04(A)(1).

B. Type III modification requests. A major modification of an existing or re-activated Type III request may be approved, approved with conditions, or denied based on compliance with the following approval criteria:

1. The proposal will be consistent with the Comprehensive Plan and objectives of this Ordinance and other applicable policies of the County.
2. Taking into account location, size, design and operating characteristics, the proposal will have a minimal adverse impact on the (1) livability, (2) value, and (3) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
3. All required public facilities have adequate capacity to serve the proposal.
4. The proposal will not result in emissions that damage the air or water quality of the area. Documentation is required to demonstrate that required state and federal discharge permits have been obtained.
5. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant.
6. The proposal will preserve assets of particular interest to the community.

- C. Type IV modification requests. A major modification of an existing Type IV request may be approved, approved with conditions, or denied based on compliance with the following approval criteria:
1. The proposal will be consistent with the Comprehensive Plan and objectives of this Ordinance and other applicable policies of the County.
 2. Taking into account location, size, design and operating characteristics, the proposal will have a minimal adverse impact on the (1) livability, (2) value, and (3) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
 3. All required public facilities have adequate capacity to serve the proposal.
 4. The proposal will not result in emissions that damage the air or water quality of the area. Documentation is required to demonstrate that required state and federal discharge permits have been obtained.
 5. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant.
 6. The proposal will preserve assets of particular interest to the community.

245.06 Conditions of Approval. In permitting a new, modified or re-activated Type III request, the Decision Making Body may impose additional conditions that the Decision Making Body considers necessary to protect the best interests of the surrounding area or the County as a whole.