



# COLORADO SPRINGS PLANNING

## Land Use Review

### Unified Development Code Review Criteria

## 7.5.516: MODIFICATION OF APPROVED APPLICATIONS

### Review Criteria

A. Applicability: This Section applies to all applications to modify an approval granted under this UDC. Requests to deviate from the standards in this UDC prior to granting of an initial development approval or permit are reviewed pursuant to Sections 7.5.524 (Administrative Adjustment) or 7.5.525 (Development Standards Adjustment).

B. Procedure: Following City approval of an application:

1. A Minor Modification of the permit or approval may be approved by the Manager as described in this Section, unless a condition of the permit or approval requires that the type of modification being requested be heard by the Planning Commission or City Council.

2. A Major Modification to the permit or approval may only be approved by the decision-making body that approved the original permit or approval, using the same procedure used for the original permit or approval.

3. Changes to or relocation of an easement not held by the City shall require the approval of the easement holder. Relocation of a lot line approved by the City does not result in any changes to existing recorded easements defined with respect to lot lines.

C. Major and Minor Modifications: The following criteria shall be used to categorize a request to modify an approval as a Major or Minor Modification.

1. Major Modifications: Major Modifications include any modification that includes any of the following:

a. The creation of new freestanding buildings over two hundred (200) square feet in gross floor area;

b. An increase in gross floor area of the established square footage by fifteen (15) percent or more;

c. A significant relocation of buildings, lot lines, and easements for which the City is the easement holder, as determined by the Manager;

d. Relocation of points of access that do not clearly improve traffic circulation on adjacent public rights-of-way, as determined by the Traffic Engineer;

e. Any change to the applicable zoning standards including allowing a more intense land use or increase in density permitted in the zone district where the property is located, but not included in the development approval or permit;

f. Any increase of maximum building heights in the development approval or permit, except those that could have been approved by the Manager at the time of original development approval pursuant to Section 7.5.524 (Administrative Adjustment);

g. Any decrease of building setbacks, except those that could have been approved by the Manager at the time of original development approval pursuant to Section 7.5.524 (Administrative Adjustment);



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- h. Any decrease of required perimeter landscape, except those that could have been approved by the Manager at the time of original development approval pursuant to Section 7.4.913 (Alternatives and Adjustments); or
  - i. Any renewal of an expired Development Plan in which major design changes are necessary to comply with current development standards.
2. Minor Modifications: Minor Modifications are those that include anything that is not a Major Modification as defined above.
  3. Consistency with Conditions on Modification: If the development approval or permit proposed to be modified includes a condition that may only be approved by Planning Commission or City Council, the modification shall be treated as a Major Modification and may only be approved by the decision-making body named in that condition.
  4. Combination of Major or Minor Modifications:
    - a. More than one (1) request for a Major or Minor Modification, or a combination of Major and Minor Modifications, may be included in a single application.
    - b. If an application includes requests for both Major and Minor Modifications, the Manager's decision on Minor Modifications shall be considered are commendation until a decision on the Major Modification has been made by the Planning Commission or City Council, as applicable.
    - c. In order to promote consistent decision-making on the application, the decision of the Planning Commission or City Council on the Major Modifications shall state whether the recommendations of the Manager regarding each requested Minor Modification is accepted, accepted with conditions, or denied.
- D. Criteria for Approval: An application for modification of a development approval or permit may be approved if the decision-making body identified in Subsection C above determines that the applicable criteria have been met as they relate to the area of the development approval or permit proposed to be modified:
1. Major Modification: A Major Modification may be approved if the applicable decision-making body determines that the request:
    - a. Complies with the provisions of this UDC and all applicable City regulations;
    - b. Is consistent with any conditions in the approval or permit proposed to be modified, unless the decision-making body that imposed that condition modifies that condition;
    - c. Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified; and
    - d. Is consistent with the Colorado Springs Comprehensive Plan, other plans adopted by City Council, and the intent of the zone district in which the property is located.
  2. Minor Modification: A Minor Modification may be approved if the Manager determines that the request:
    - a. Complies with the provisions of this UDC and all applicable City regulations;
    - b. Is consistent with any conditions in the approval or permit proposed to be modified; and



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c. Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified.

E. Development Plan Requirement: Following approval of a Major Modification to a Development Plan, the applicant shall be required to submit a revised Development Plan that reflects the site conditions modified if requested by the Manager to document the modification and ensure that later decisions under this Code are consistent with the modification. This requirement does not apply to administrative relief requests granted for single-family residential or duplex uses.

F. Effect on Prior Approvals: An approved Major or Minor Modification has the following effects on prior approvals:

1. An approved Major or Minor modification of a Development Plan is treated as a modification of a Land Use Plan affecting the same property, and no submission of a revised Land Use Plan is required, provided that the modified Development Plan includes a clear statement that it serves as a modification of the affected Land Use Plan as of the date on which the modification was approved.
2. Any amendment to a Concept Plan or Master Plan approved prior to the Effective Date shall be treated in the same manner as an amendment to a Land Use Plan. (Ord. 23-03)