

CHAPTER 14

REVISIONS TO APPROVED DEVELOPMENT PERMITS, CONSTRUCTION PLANS AND PERMITS FOR A CHANGE IN PERMITTED USE

(Amended 07/10/18)

- Section 14.010. Applicability.
- Section 14.020. Minor Revisions to Development Permits and Construction Plans.
- Section 14.030. Appeal of Zoning Administrator Decision for Minor Revisions.
- Section 14.040. Application for a Change in Permitted Use.
- Section 14.050. Review of Change in Permitted Use.
- Section 14.060. Appeal of the Zoning Administrator’s Decision for Change in Permitted Use.

Section 14.010. Applicability.

This chapter is adopted to facilitate the review and approval by the City of minor changes and revisions to an existing approved development permit, minor revisions to construction and improvement plans required by an approved final site plan and approved final subdivision plat, and the establishment of a new permitted use within an existing building or structure already occupied by a permitted use.

Section 14.020. Minor Revisions to Development Permits and Construction Plans.

A. Upon receipt of an application for a minor revision to an approved development permit, or minor revision to approved construction plans or required improvement plans, the Zoning Administrator may approve such minor revision with a finding that the revision does not:

- 1. increase vehicular traffic;
- 2. increase the demand for parking or parking area;
- 3. increase the development site, number of lots or building size;
- 4. increase noise or odor levels, lighting, dust, or dirt;

- 5. create unsightly conditions;
- 6. decrease privacy to adjacent property owners or landscaping, screening, or buffering treatments; and
- 7. change the general layout of the development area or site.

B. In reviewing an application for a minor revision to an approved development permit or minor revision to approved construction plans or required improvement plans, the Zoning Administrator may schedule a review and consideration of the application by the Reviewing Departments prior to making a final decision on the application. The Zoning Administrator may thereafter approve the minor revision as requested by the applicant, approve the minor revision with conditions, or deny the request for a minor revision.

Section 14.030 Appeal of Zoning Administrator Decision for Minor Revisions.

(Amended 12/13/16)

Any person aggrieved by a decision of the Zoning Administrator concerning a decision for a minor revision may file an appeal with the Hearing Examiner within seven days of the Zoning Administrator’s decision. The Zoning Administrator shall forward all materials and records on the matter to the Hearing Examiner.

Section 14.040. Application for a Change in Permitted Use.

Upon the receipt of an application for a change in permitted use, the Reviewing Departments may authorize a change in use from an already existing permitted use to another permitted use authorized in the Zoning District and by this Code, without the submission of the materials required by Chapter 11 of this Code upon a finding that:

- A. a permitted use already exists at the proposed location or occupies an existing building or structure;
- B. the use requested is a permitted use in the zoning district;
- C. the proposed activity will be conducted within the existing building or structure or on the existing site;
- D. no building addition or expansion of an existing building is proposed; and

E. no modifications to the building or site are proposed that would:

1. increase the demand for parking or parking area;
2. increase noise or odor levels, lighting, dust, or dirt;
3. create any unsightly conditions; and
4. decrease privacy, screening, or buffering treatments to adjacent property owners.

Section 14.050. Review of Change in Permitted Use.

A. Following a review of all of the items contained in Section 14.040, the Zoning Administrator or designee may approve the change in permitted use as requested, approved the change in permitted use with modifications, or deny the request for a change in permitted use.

B. If the Zoning Administrator or designee finds one or more of the items required by Section 14.040 to be lacking, he or she shall find that the proposed permitted use does not meet the requirements of Section 14.040 and shall request the applicant to comply with the requirements of Chapter 11 for site plan review and consideration for the establishment of a permitted or conditional use.

Section 14.060. Appeal of the Zoning Administrator's Decision for Change in Permitted Use.

Any person aggrieved by a decision of the Zoning Administrator in the review and approval of a request for a Change in Permitted Use may file an appeal of the Zoning Administrator's decision with the Planning Commission within seven days of notification to the Planning Commission. The Zoning Administrator shall forward all appropriate materials and records of the Zoning Administrator on the matter to the Planning Commission.