

# Site Plan Approvals, Amendments, Deviations, & Variances

	<b>APPROVAL BEFORE IDO*</b>	<b>APPROVAL PER IDO**</b>	<b>AMENDMENT OF IDO SITE PLAN</b>
<b>DEVIATION</b> <a href="#">Subsection 6-4(O)</a> <a href="#">Table 6-4-2</a>	As part of Major Amendment	As part of Site Plan review	As part of Major Amendment
<b>VARIANCE/WAIVER</b> Waiver – DRB: <a href="#">Subsection 6-6(L)</a> Variance – EPC: <a href="#">Subsection 6-6(M)</a> Variance – ZHE: <a href="#">Subsection 6-6(N)</a>	If > deviation that is allowed as part of Major Amendment	If > deviation that is allowed as part of Site Plan review	If > deviation that is allowed as part of Major Amendment
<b>MINOR AMENDMENT</b> <a href="#">TABLE 6-4-5</a>	<ul style="list-style-type: none"> <li>• <a href="#">Subsection 6-4(Y)(1)(a)</a></li> <li>• Administrative</li> <li>• Limited to threshold in <a href="#">Table 6-4-5</a> based on what was originally approved (cumulative)</li> </ul>	N/A	<ul style="list-style-type: none"> <li>• <a href="#">Subsection 6-4(X)(2)</a></li> <li>• Administrative</li> <li>• Limited to threshold in <a href="#">Table 6-4-5</a> based on what was originally approved (cumulative)</li> </ul>
<b>MAJOR AMENDMENT</b>	<ul style="list-style-type: none"> <li>• <a href="#">Subsection 6-4(Y)(1)(b)</a></li> <li>• Original decision-making body (closest analog)</li> </ul>	N/A	<ul style="list-style-type: none"> <li>• <a href="#">Section 6-4(X)(3)</a></li> <li>• Original decision-making body</li> </ul>

## Approvals before the IDO\*

- [IDO Subsection 14-16-1-10\(A\)](#) says that **uses** and **development standards** approved prior to the IDO will prevail over IDO standards.
- Where a site plan is silent, IDO standards apply.
- Review/decision processes are per the IDO.
- Any request for amendment needs to include the entire geography of the original approval, even if only a portion is proposed to change.
- Any requested change to the allowable uses (i.e. restrictions or additional uses, such as C-3 minus listed uses, etc.) on the site plan is processed as a major amendment.
- Approvals are subject to expiration per [IDO Subsection 14-16-6-4\(W\)](#) and [Table 6-4-4](#). Applicant can request acceleration of expiration from the original decision-making body if the site is eligible for expiration (e.g. <50% developed).

## New Site Plans\*\*

A property owner can replace a site plan approved either before the IDO or under the IDO, as long as it covers the same geography as the original approval AND the proposed use is not prohibited by the existing site plan.

- If the site plan is **smaller or leaves out any portion of the area included in the most recently approved site plan**, then the applicant needs to do a Major Amendment to the current site plan to remove the portion of the site that they would like to replace with a new site plan. Then the applicant can come in with a new site plan for the smaller geography per IDO regulations and procedures.
- If the proposed site plan is **larger but includes all of the area included in the most recently approved site plan**, then the applicant can apply for the new site plan per IDO regulations and procedures.
- Anything on the site that existed prior to the IDO (or the most current version of the IDO) can be shown on the new site plan as “as-built” indicating the year. Likely, these will include nonconforming structures, which will be subject to limits on expansion or triggers for compliance per these IDO Subsections:
  - Nonconforming structures: [14-16-6-8\(D\)](#) and [14-16-6-6\(C\)\(3\)](#)
  - Nonconforming signs: [14-16-6-8\(F\)](#)
  - Nonconforming site features: [14-16-6-8\(G\)](#)

- The findings for approval should include the case number(s) for the old site plan(s) and state that the previously approved site plan is being replaced with this new one.
- If the proposed uses are prohibited by the existing site plan, this would constitute a change of zoning and require going to EPC for a major amendment to repeal the existing site plan (that specifies allowable uses carried over per [IDO Subsection 14-16-1-10\(A\)](#)).
- Once a new site plan is approved, staff needs to note for AGIS that the old site plan needs to be replaced with the most current one on the site plan layer.