

City of Sherwood, Oregon
Ordinance No. 2003-1148

**AN ORDINANCE APPROVING A COMPREHENSIVE PLAN TEXT AMENDMENT
REGARDING CHANGES TO THE PROCESSING OF APPEALS AND THE
PROCEDURES FOR REVIEW OF LAND USE APPLICATIONS, AND TIME
EXTENSIONS OF PERMIT APPROVALS**

WHEREAS, the City initiated the land use application PA 02-02 to propose plan text amendments for Land Use Processing and Appeals of land use applications, and, amendments to Timelines and Extensions of Land Use Approvals to address several issues of processing land use applications and appeals; and,

WHEREAS, the amendments will: simplify the appeals process, clarify the review and appeal body for different land use application types, avoid "double-appeals", establish that the Planning Commission will review development applications in Old Town; amend timelines to be more realistic for the development of projects; and,

WHEREAS, the text amendment changes will further both the goals of the Comprehensive Plan by clarifying the way that development applications are reviewed and appealed; and,

WHEREAS, the proposed amendments will result in better compliance with state regulations regarding the processing of land use applications;

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Commission & Council Review. The City Council finds that the application for a Plan Text Amendment for Changes to Processing, Appeals and Timeline Extensions was subject to a full and proper review, and a public hearing was held before the Planning Commission on August 20, 2002. After due and legal notice, the City Council held a public hearing on the application on September 10, 2002 and remanded the code amendment back to the Planning Commission for further review. Another public hearing was held before the Planning Commission on March 4, 2003 to review the changes sought by Council to the original ordinance language, and the Council approved those changes in public hearing on March 25, 2003.

Section 2. Findings. After full and due consideration of the City Staff Report for PA 02-02, the record and findings of fact, and the recommendations of the Planning Commission, the Council adopts the findings and reasoning contained in the staff reports dated March 4, 2003 (to Planning Commission), and March 25, 2003 (to City Council), and further finds that the proposed plan map and text amendments are consistent with the

Statewide Planning Goals, City's Comprehensive Plan and in conformance with the requirements of the Community Development Code Section 4.203.01 (Section 16.56.020 of the City of Sherwood Municipal Code).

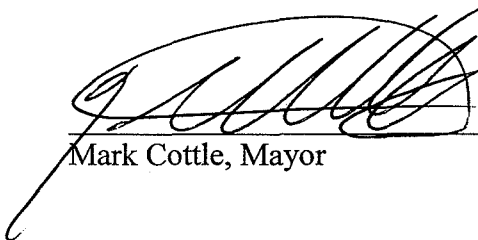
Section 3. Decision. The Ordinance is approved and Sections 3, 4 and 5 are hereby amended per the Ordinance language, detailed in Attachments A and B.

Section 4. Manager Authorized. The City Manager is directed to take such action as may be necessary to document these amendments, including producing a codified modification to the Sherwood Zoning and Community Development Code.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after passage by the City Council and approval by the mayor.

Duly passed by the City Council this 22nd day of April, 2003.

Approved by the Mayor this 22nd day of April, 2003.



Mark Cottle, Mayor

Attest:



C.L. Wiley, City Recorder

	AYE	NAY
Weislogel	<input checked="" type="checkbox"/>	_____
Grant	<input checked="" type="checkbox"/>	_____
Heironimus	<i>absent</i>	_____
Durrell	<input checked="" type="checkbox"/>	_____
Mays	<input checked="" type="checkbox"/>	_____
Fox	<input checked="" type="checkbox"/>	_____
Cottle	<i>absent</i>	_____

Attached:

Attachment A: Land Use Processing and Appeals of Land Use actions, April 22, 2003

Attachment B: Timelines and Extensions of Land Use approvals, April 22, 2003

Attachment 'A'

Amendments for Land Use Processing and Appeals of Land Use actions

3.200 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

3.201 GENERALLY

3.201.01 CLASSIFICATIONS

Except for Administrative Variances, which are reviewed per Section 4.402.03, and final Development Plans for Planned Unit Developments, which are reviewed per Section 2.202.03, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

A. Type I

The following quasi-judicial actions shall be subject to a Type I review process:

1. Signs
2. Property Line Adjustments
3. Interpretation of Similar Uses
4. Temporary Uses
5. Final Subdivision Plats
6. Final Site Plan Review
7. Time Extensions of Approval, per Section 5.102.06; Section 7.301.02; or, Section 7.504.02.

B. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

1. Minor Land Partitions
2. Expedited Land Divisions
3. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums,

theaters and stadiums, and those applications subject to Section 3.201.01.D below.

C. Type III

The following quasi-judicial actions shall be subject to a Type III review process:

1. Conditional Uses
2. Variances, including Administrative Variances if a hearing is requested, per Section 4.402.03.
3. Site Plan Review – Between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 3.201.01.D below.
4. Subdivisions – less than 50 lots.

D. Type IV

The following quasi-judicial actions shall be subject to a Type IV review process:

1. Site Plan review and/or “Fast track” Site Plan review of new or existing structures in the Old Town Overlay District.
2. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this Section.
3. Site Plans – Greater than 40,000 square feet of floor area, parking or seating capacity.
4. Subdivisions – More than 50 lots.

E. Type V

The following legislative actions shall be subject to a Type V review process:

1. Plan Map Amendments
2. Plan Text Amendments
3. Planned Unit Development Preliminary Development Plan and Overlay District

3.201.02 HEARING AND APPEAL AUTHORITY

Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.

Each quasi-judicial development permit application shall potentially be subject to two levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision unless an appeal is properly filed within 14 calendar days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.

The quasi-judicial Hearing and Appeal Authorities shall be as follows:

A. The Type I Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.

1. The Planning Director's decision shall be made without public notice or public hearing. Notice of the decision shall be provided to the applicant.
2. The applicant may appeal the Planning Director's decision.

B. The Type II Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.

1. Planning Director's decision shall be made without a public hearing, but not until at least 14 days after a public notice has been mailed to the applicant and to all property owners within 100 feet of the proposal. Any person may submit written comments to the Planning Director which address the relevant approval criteria of the Zoning and Development Code. Such comments must be received by the Planning Department within 14 days from the date of the notice.
2. Any person providing written comments may appeal the Planning Director's decision.

C. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.

1. The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 3.202-3.208.

2. Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.

D. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.

1. The Planning Commission shall hold a public hearing following public notice in accordance with Sections 3.202-3.208.

2. Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.

E. The Type V Hearing Authority is the City Council, upon recommendation from Planning Commission, and the Appeal Authority is LUBA (Land Use Board of Appeals).

3.201.03 APPROVAL CRITERIA

A. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing authority.

B. In addition to paragraph A above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional Use criteria of Section 4.302.03.

3.400 APPEALS

3.401 GENERALLY

3.401.01 Issues on Appeal

The only issues which may be raised on appeal are those issues which were raised on the record before the Hearing Authority with sufficient specificity so as to have provided the City, the applicant, or other persons with a reasonable opportunity to respond before the Hearing Authority.

3.401.02 Persons Eligible to Appeal

Except as otherwise provided in this Code, only those persons who submitted written comments or appeared in person before the Hearing Authority may appeal the decision of the Hearing Authority.

3.401.03. Dismissal on Appeal

If the Appeal Authority determines that the appellant was not a person to the action before the hearing Authority, or the issue(s) that are the basis of the appeal were not properly raised per Section 3.401.01, then the Appeal Authority shall dismiss the appeal of that appellant or those issues, in writing.

3.401.04 Exception

If the City either takes a land use action without providing a hearing as required by this Code, or takes a land use action which is substantially different than indicated in notice of the proposed action as per Section 3.203.01, an aggrieved person may, as provided by the law of the State of Oregon, appeal directly to State Land Use Board of Appeals (LUBA).

3.402 APPEAL DEADLINE

Land use actions taken pursuant to this Code shall be final unless a petition for review is filed with the Planning Director not more than fourteen (14) calendar days after the date on which the Hearing Authority took final action on the land use application and written notice of the action has been mailed to the address provided by the person in the record. If the person did not provide a mailing address, then the appeal must be filed within fourteen (14) calendar days after the notice has been mailed to persons who did provide a mailing address.

3.403 PETITION FOR REVIEW

Every petition for review shall include the date and a description of the land use action, including the case number, a statement of how the petitioner is aggrieved by the action, the specific grounds relied upon in requesting a review, and a fee pursuant to Section 3.301. The land use decision, supporting findings and conclusions, and evidence

available upon the close of the record of the land use action and any City Staff review of the issues subject to the appeal shall made a part of the record before the Appeal Authority.

3.404 APPEAL AUTHORITY ACTION

The review of the appealed land use action shall include a public hearing conducted by the Appeal Authority, as determined by Section 3.201.02, at which time only those persons who testified before the Hearing Authority or submitted written comments may present evidence and argument relevant to the approval criteria. The record before the Appeal Authority shall include only the evidence and argument submitted on the record before the Hearing Authority (including all testimony, all materials submitted at any previous stage of the review, staff reports and audio tape or transcript of the minutes of the public hearing). New evidence may not be entered into the record.

Except for the hearing being on the record and no new persons being allowed, the public notice and hearing procedures for appeals shall be identical to the procedures used in initially taking the land use action which is being appealed. The Appeal Authority may act to affirm, reverse, remand, or amend the action being reviewed. The action of the Appeal Authority shall be the final City of Sherwood action on the application, unless remanded to the Hearing Authority. Upon remand, the decision of the Hearing Authority shall be the final City of Sherwood action.

Attachment 'B'

Amendments to Timelines and Extensions of Land Use approvals

4.300 CONDITIONAL USES

4.301 GENERALLY

4.301.01 Authorization

Uses permitted in zoning districts as conditional uses may be established, enlarged, or altered by authorization of the Hearing Authority in accordance with the standards and procedures established in Section 4.300. If the site or other conditions are found to be inappropriate for the use requested, the Commission or Hearings Officer (cited below as Hearing Authority) may deny the conditional use.

4.301.02 Changes in Conditional Uses

Changes in use or expansion of a legal non-conforming use, structure or site, or alteration of structures or uses classified as conditional uses, that either existed prior to the effective date of this Code or were established pursuant to Section 4.300 shall require the filing of a new application for review confirming to the requirements of Section 4.300 if the proposed changes would increase the size, square footage, seating capacity or parking of existing permitted improvements by twenty percent (20%) or more.

Conditional uses may be authorized for a larger development (i.e. business campus or industrial park), to include future tenants of such development, if the range of uses allowed as conditional uses are considered, and specifically approved, at the time of original application.

4.301.03 Application and Fee

An application for a Conditional Use Permit (CUP) shall be filed with the City and accompanied by the appropriate fee pursuant to Section 3.301. The applicant is responsible for submitting a complete application which addresses all criteria of Section 4.300 and other applicable sections of this Code.

4.302 PERMIT APPROVAL

4.302.01 Hearing Authority Action

The Hearings Authority shall conduct a public hearing pursuant to Section 3.200 and take action to approve, approve with conditions, or deny the application. The decision shall include appropriate findings of fact as required by Section 4.302.03, and an effective date.

4.302.02 Final Site Plan

Upon approval of a conditional use by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Section 5.100. The final site plan shall include any revisions or other features or conditions required by the Hearing Authority at the time of the approval of the conditional use.

4.302.03 Findings of Fact

No conditional use shall be granted unless each of the following is found:

- A. All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation access, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.
- B. Proposed use conforms to other standards of the applicable zone.
- C. The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan.
- D. Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood or the City as a whole are sufficiently mitigated by the conditions proposed.
- E. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.
- F. The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.
- G. For a proposed conditional use permit in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General

Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.

For wireless communication facilities, no conditional use permit shall be granted unless the following additional criteria is found:

- H. The applicant shall demonstrate to the satisfaction of the City that the wireless communication facility cannot be located in an IP zone due to the coverage needs of the applicant.
- I. The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.
- J. The applicant shall demonstrate a justification for the proposed height of the tower or antenna and an evaluation of alternative designs which might result in lower heights.
- K. The proposed wireless communication facility is not located within one-thousand (1,000) feet of an existing wireless facility or that the proposed wireless communication facility cannot feasibly be located on an existing wireless communication facility.
- L. The proposed wireless communication facility is located a minimum of three-hundred (300) feet from residentially zoned properties.

4.302.04 Additional Conditions

In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of Section 4.300. These conditions may include but are not limited to the following:

- A. Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.
- B. Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.
- C. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.

- D. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.
- E. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.
- F. Limiting the number, size, location, height and lighting of signs.
- G. Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.
- H. Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.

4.302.05 Time Limits

Unless approved under Section 4.301.02 for a larger development to include future tenants of such development, authorization of a conditional use shall be void after two (2) years or such lesser time as the approval may specify unless substantial construction, in the City's determination, has taken place. The Hearing Authority may extend authorization for an additional period, not to exceed one (1) year, upon a written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 3.301.

4.302.06 Revocation

Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits. Furthermore, if, in the City's determination, a condition or conditions of CUP approval are not or cannot be satisfied, the CUP approval, or building and occupancy permits, shall be revoked.

4.400 VARIANCES

4.401 GENERALLY

4.401.01 Authorization

The Commission may authorize variances from the standard requirements of this Code where it can be shown that, owing to special and unusual circumstances related to a specific property, strict application of this Code would cause undue or unnecessary hardship. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use is located. In granting a variance, the Commission may attach conditions which it finds necessary to protect the best interests of surrounding properties and neighborhoods, and otherwise achieve the purposes of this Code.

4.401.02 Approval Criteria

No variance request shall be granted unless each of the following is found:

- A. Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of this Code, topography, or other circumstances over which the applicant has no control.
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.
- C. The authorization of the variance will not be materially detrimental to the purposes of this Code, or to other property in the zone or vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.
- D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.
- E. The hardship does not arise from a violation of this Code.

4.401.03 Application Content

An application for a variance shall be filed with the City and accompanied by a fee, as determined by Section 3.301. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The applicant is responsible for submitting a complete application which addresses the review criteria of Section 4.400 and other applicable sections of

this Code. Except for variances authorized under Subsection 4.402.01, variance requests shall be subject to public notice and hearing as per Section 3.200.

4.401.04 Time Limits

Authorization of a variance shall be void after two (2) years or such lesser time as the approval may specify unless substantial construction in the City's determination has taken place. The Hearing Authority may extend authorization for an additional period not to exceed one (1) year upon a written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 3.301.

4.401.05 Revocation

Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of variance approval are not or cannot be satisfied, the variance or building and occupancy permits, shall be revoked.

5.100 SITE PLANNING

5.101 PURPOSE

5.101.01 Generally

Chapter 5 is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code.

5.101.02 Objectives

Site planning review is intended to:

- A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.
- B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
 - 1. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.
 - 2. Vehicular and pedestrian ways and parking areas.

3. Existing or proposed alteration of natural topographic features, vegetation and water-ways.

5.102 SITE PLAN REVIEW

5.102.01 Review Required

Except for single and two family uses, and manufactured homes located on individual residential lots as per Section 2.205.01, but including manufactured home parks, no building permit shall be issued for a new building or structure, or for the substantial alteration of an existing structure or use, and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure until the proposed development has been reviewed in accordance with Section 3.200. For the purposes of Section 5.102, the term "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

- A. The activity alters the exterior appearance of a structure, building or property.
- B. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.
- C. The activity involves non-conforming uses as defined in Section 2.206.
- D. The activity constitutes a change in a City approved plan, as per Section 5.102.03.
- E. The activity is subject to site plan review by other requirements of this Code.
- F. Review of any proposed activity indicates that the project does not meet the standards of Section 5.102.04.

5.102.02 Exemptions

The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The action of the City Manager or his or her designee may be appealed as per Section 3.400.

5.102.03 Plan Changes and Revocation

A. Changes

Construction, site development, landscaping, and other development activities shall be carried out in accordance with the site development plans per section 3.200. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 5.102.01, that conflict with original approvals, or that otherwise may conflict with the standards of Section 5.102.04, shall be submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee.

B. Revocation

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked.

5.102.04 Required Findings

No site plan approval shall be granted unless each of the following is found:

- A. The proposed development meets applicable zoning district standards and all provisions of Chapters 5, 6, 8 and 9.
- B. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
- C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
- D. The proposed development preserves significant natural features to the maximum feasible extent, including but not limited to natural drainageways, wetlands, trees, vegetation, scenic views, and topographical features, and conforms to the applicable provisions of Chapter 8 of this Code and Chapter 5 of the Community Development Code.
- E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General

Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.

5.102.05 Approvals

The application shall be reviewed pursuant to Section 3.200 and action taken to approve, approve with conditions, or deny the application for site plan review. The action shall include appropriate findings of fact as required by Section 5.102.04. The action may be appealed to the Council in accordance with Section 3.400.

5.102.06 Time Limits

Site plan approvals shall be void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 3.301.

7.300 FINAL PLATS

7.301 GENERALLY

7.301.01 Time Limits

Within two (2) years after approval of the preliminary plat, a final plat shall be submitted. The subdivider shall submit to the City the original drawings, and fifteen (15) prints of the final plat, and all supplementary information required by or pursuant to this Code. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.

7.301.02 Extensions

After the expiration of the two (2) year period following preliminary plat approval, the plat must be resubmitted for new approval. The City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat and that no other development approval would be affected.

7.301.03 Staging

The City may authorize platting and development to proceed in stages that exceed two (2) years, but in no case shall the total time period for all stages be greater than five (5) years. Each stage shall conform to the applicable requirements of this Code. Portions platted or developed after the passage of two (2) years may be required to be modified in accordance with any change to the Comprehensive Plan or this Code.