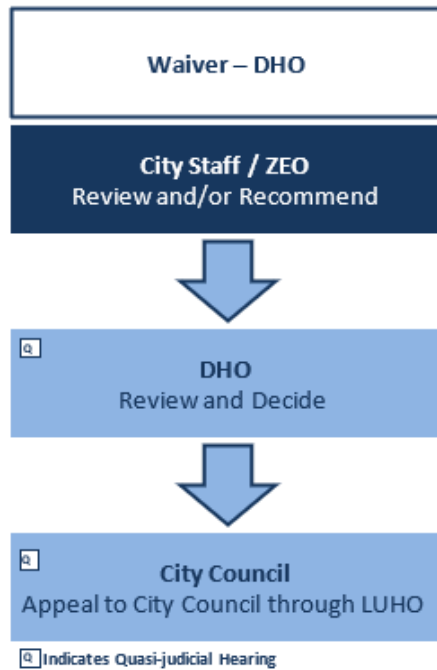


6-6(P) WAIVER - DHO

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-6(P).



6-6(P)(1) Applicability

This Subsection 14-16-6-6(P) applies to any application for a deviation from standards in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) beyond the thresholds established by Table 6-4-1, except the following:

6-6(P)(1)(a) Standards in Subsection 14-16-5-5(F)(2)(a)3, which require a Permit - Carport for carports in any front or side setback pursuant to Subsection 14-16-6-6(G).

6-6(P)(1)(b) Standards related to front yard parking in Subsection 14-16-5-5(F)(1)(a)6, Subsection 14-16-5-5(F)(2)(a)2, or Table 5-5-6, which require a Variance - ZHE pursuant to Subsection 14-16-6-6(O).

6-6(P)(2) Procedure

6-6(P)(2)(a) City staff and commenting agencies pursuant to Subsection 14-16-6-4(J) shall review the application and forward any comments and a recommendation to the DHO.

6-6(P)(2)(b) The DHO shall conduct a public hearing and make a decision on the application.

6-6(P)(2)(c) A Waiver – DHO may not be granted until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).

6-6(P)(2)(d) Any Waivers granted that are associated with a subdivision shall be placed on the final plat and on a separately recorded document.

6-6(P)(2)(e) Any Waivers granted that are associated with a Site Plan shall be noted on the approved Site Plan.

6-6(P)(3) Review and Decision Criteria

6-6(P)(3)(a) General

An application for a Waiver - DHO shall be approved if it complies with all of the following criteria.

1. Any of the following criteria applies.

a. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.

b. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.

c. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.

d. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

2. The Waiver will not be materially contrary to the public safety, health, or welfare.

3. The Waiver does not cause significant material adverse impacts on surrounding properties.

4. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure

improvements.

5. The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.

6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.

7. The Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.

8. The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(N) (Deviations) and is granted by the DHO as part of this approval.

9. The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).

10. If the request is a for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.

6-6(P)(3)(b) Underground Installation of Distribution Lines

An application for a Waiver - DHO pursuant to Subsection 14-16-5-4(I) shall be approved if the DHO determines that no significant public purpose would be served by requiring the new construction to be placed underground and that any of the following conditions exists, as relevant.

1. Distribution Lines 12 Kilovolts or Less

- a. The lot is already served by an overhead distribution line.
- b. All adjacent areas are already served by overhead distribution facilities.
- c. Subsurface conditions make underground lines economically unreasonable.

2. Distribution Lines between 12 Kilovolts and 40 Kilovolts

- a. The immediate or adjacent area is presently served by overhead lines.
- b. Subsurface conditions make underground lines economically unreasonable.