

**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(I) 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).

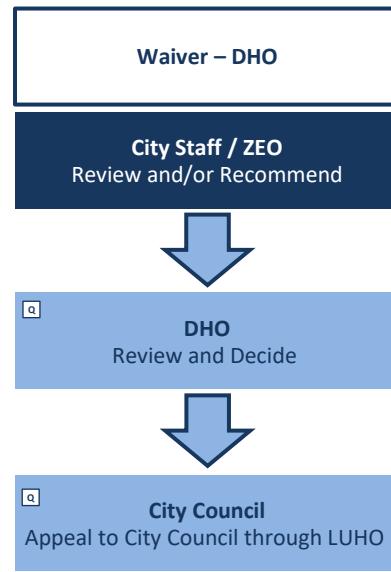
6-6(P)(2)(d) Any Waivers granted that are associated with a subdivision shall be placed on the final plat and on a separately recorded document.

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.