



SECTION 6.06

Development Waivers/ Alternate Compliance

A Development Waiver/ Alternate Compliance is permission granted in connection with either the approval of a zoning map change, development plan, master plan, preliminary plan, or special exception, to allow a deviation from specific development standards or development requirements of the UDO. A waiver/alternate compliance is different from a variance since the Town Council makes the determination, not the Board of Adjustment. Please note that the Department of Engineering must be contacted prior to pursuing a waiver of UDO Sections 7.06, 7.07, and/or 7.08. [Amended Ordinance #04-06] [Amended Resolution #11-19, #15-26]

DEVELOPMENT WAIVERS/ALTERNATE COMPLIANCE

Expected Review Time: Simultaneous with Development

Primary Processing Department: Planning & Zoning

Departments involved in Waiver Review Process: Same as type of Development Petition Submitted

Notes:

- Waivers/Alternate Compliance can be submitted at any time during the view process. However, failure to submit waivers with initial submittal may result in delays or additional reviews. [Amended Resolution #18-37]*
- Waiver/Alternate Compliance requests must comply with the Findings of Fact that correspond with the specific waiver. [Amended Resolution #11-19, #15-26]

General Information

Waiver of Voluntary Annexation

Waivers of DPM Section 1 may be submitted and considered in connection with a petition for a Planned Unit Development Master Plan; a Master Plan or Preliminary Plan for a subdivision; a Development Plan for Architectural and Site Design Review; a Final Plat; or a Minor Subdivision.

Primary Review Department: Planning & Zoning [Amended Resolution #18-37]*

UDO Section 2.06 or 2.07 - Architectural and Site Design Waivers in R-MF-8 & R-MF-15

Waivers of UDO Section 2.06 or 2.07 may only be submitted and considered in connection with the approval of a Development Plan for Architectural and Site Design Review.

Primary Review Department: Planning & Zoning

UDO Section 2.09 - Development Options for Residential Districts

UDO Section 2.09 may only be submitted and considered in connection with a property that has a single family residential zoning. See Section 4.01 of this Manual for more information.

Primary Review Department: Planning & Zoning [Amended Resolution #07-31, 18-37]*

UDO Section 2.10– Waiver of Development Requirements for Infill Development Options in the R-8 District [Added Resolution 19-02]*

Waivers of UDO Section 2.10 may only be submitted and considered in connection with the approval of a Development Plan which incorporates Infill Development Options.

Primary Review Department: Planning & Zoning

- UDO Section 3.03 - Alternate Compliance with Architectural and Site Design in TV**
 Requests for alternate compliance with UDO Section 3.03 may only be submitted and considered in connection with either a petition for zoning map change or as part of a Development Plan for Architectural and Site Design Review. [Amended Resolution #11-19, #15-26, 18-37]*
Primary Review Department: Planning & Zoning
- UDO Section 3.03 - Waivers of Development Standards in TV**
 Waivers of UDO Section 3.03 may only be submitted and considered in connection with either a petition for zoning map change or as part of a Development Plan for Architectural and Site Design Review. [Amended Resolution #11-19, #15-26]*
Primary Review Department: Planning & Zoning
- UDO Section 3.08 - Architectural and Site Design Waivers in LB, CB, OR, GB**
 Waivers of UDO Section 3.08 may only be submitted and considered in connection with either a petition for zoning map change or as part of a Development Plan for Architectural and Site Design Review.
Primary Review Department: Planning & Zoning
- UDO Section 4.05 - Architectural and Site Design Waivers in BT, RT, IT** [Amended Resolution #15-26]*
 Waivers of UDO Section 4.05 may only be submitted and considered in connection with either a petition for zoning map change or as part of a Development Plan for Architectural and Site Design Review.
Primary Review Department: Planning & Zoning
- UDO Section 7.01 - Alternate Landscape Plan Approval** [Added Resolution #18-37]*
 Request for alternate landscape plan approval per UDO Section 7.01.P may only be submitted and considered in connection with a petition for a Development Plan for Architectural and Site Design Review, or in connection with a Master Plan or Preliminary Plan review of a subdivision
Primary Review Department: Planning & Zoning
- UDO Section 7.01 - Waiver of Required Tree Preservation Requirements** [Added Resolution #18-37]*
 Waivers of UDO Section 7.01. J may only be submitted and considered in connection with a petition for a Development Plan for Architectural and Site Design Review, as part of a Development Plan for Development Options, as part of a Master Plan or Preliminary Plan for a subdivision.
Primary Review Department: Planning & Zoning
- UDO Section 7.03 - Waiver of Sign Regulations**
 Waivers of UDO Section 7.03 may only be submitted and considered in connection with either a petition for zoning map change, as part of a Development Plan for Architectural and Site Design Review, as part of a Development Plan for Development Options, or as part of a Master Plan or Preliminary Plan for a subdivision.
Primary Review Department: Planning & Zoning [Amended Resolution #07-31]
- UDO Section 7.04, E., 2. - Reduction in the number of Required Off-Street Parking Spaces (parking reduction)** [Amended Resolution 18-37]*
 A reduction in the number of required off-street parking spaces as specified in UDO Section 7.04 may only be submitted and considered in connection with either a petition for zoning map change; as part of a development plan for Architectural and Site Design Review or, in connection with a Master Plan or Preliminary Plan review of a subdivision.
Primary Review Department: Planning & Zoning [Amended Resolution #07-31, #11-19, #15-26]*

UDO Section 7.04, H. - Waiver of Off-Street Parking Regulations *(parking increase)*

Waivers of UDO Section 7.04 may only be submitted and considered in connection with either a petition for zoning map change; as part of a development plan for Architectural and Site Design Review or, in connection with a Master Plan or Preliminary Plan review of a subdivision.

Primary Review Department: Planning & Zoning [Amended Resolution #11-19, #15-26]

UDO Section 7.05, - Waiver of Off-Street Loading Regulations

Waivers of UDO Section 7.05 may only be submitted and considered in connection with either a petition for zoning map change; as part of a development plan for Architectural and Site Design Review or, in connection with a Master Plan or Preliminary Plan review of a subdivision.

Primary Review Department: Planning & Zoning [Added Resolution #15-26]

UDO Sections 7.06, 7.07, or 7.08 - Waiver of Lot Design, Street Design, or Utility Design

Waivers of UDO Section 7.06, 7.07, or 7.08 may only be submitted and considered in connection with either a Development Plan for Architectural and Site Design Review, as part of a Development Plan for Development Options, as part of a Master Plan or Preliminary Plan for a subdivision, or as part of a Special Exception Use.

Primary Review Department: Engineering [Amended Resolution #07-31]

UDO Section 7.09, C. - Waiver of Pedestrian Circulation & Vehicle Area Design Regulations

Waivers of UDO Section 7.09 may only be submitted and considered in connection with either a petition for zoning map change; as part of a development plan for Architectural and Site Design Review or, in connection with a Master Plan or Preliminary Plan review of a subdivision.

Primary Review Department: Planning & Zoning [Amended Resolution #11-19, 15-26]

UDO Section 9.05, B., - Waiver of Platting, Project Construction Drawing Approval, and Recombination and Vacation Procedures

Waivers of UDO Section 9.05, B., 12. may only be submitted and considered in connection with either a Development Plan for Architectural and Site Design Review, as part of a Development Plan for Development Options, as part of a Master Plan or Preliminary Plan for a subdivision, or as part of a Special Exception Use.

Primary Review Department: Planning & Zoning and Engineering [Amended Resolution #07-31]

Prior to Filing Petition: [Amended Resolution #09-43, #15-26]

1. Schedule a Concept Plan Review Meeting through the Department of Planning & Zoning. This meeting must be held a minimum of fourteen (14) days prior to the submittal of the same as required for specific Development Petition, however, it is recommended that you have this meeting at least thirty (30) days prior to filing. This meeting must not be held more than eight (8) weeks prior to filing the petition. See Section 1.01 Concept Plan Review for more information regarding this required meeting.

Petition Filing:

1. Submit Waiver Request and Findings of Fact along with any supporting documentation by the posted deadline date and time to the Department of Planning & Zoning as specified on the applicable Review Schedule. The appendix provides a detailed list of all application submittal requirements. [Amended Resolution #09-43]
2. The Department of Planning & Zoning will notify Petitioner of an incomplete petition or any missing information within two (2) business days after the submittal deadline date. This information must be completed and submitted within one (1) business day, or the petition will be placed in the next available review cycle after the information is submitted and the petition is deemed complete.

3. The Department of Planning & Zoning will notify Petitioner after determination of complete submittal, the date and time of the Developer Conference to review Staff's Comments as well as the anticipated review schedule. When applicable staff will advertise the public hearing notice, notify the adjacent property owners, and post the property in accordance with the Town's Public Hearing procedures as specified in this Development Procedures Manual.

Petition Review Process:

Review of the Waiver Request will commence according to the schedule and procedures of the applicable Petition submitted, with the exception of Waivers of Voluntary Annexation. Waivers of Voluntary Annexation may require up to six (6) weeks for staff and Town Manager initial review.

[Amended Resolution 18-37]*