

## TOPOGRAPHIC EXCEPTION APPLICATION

TP# \_\_\_\_\_

Current Assessor's Parcel Number (s)(APN): \_\_\_\_\_

Site Address: \_\_\_\_\_

Township \_\_\_\_\_ Section \_\_\_\_\_ Range \_\_\_\_\_ Zoning: \_\_\_\_\_

	<i>For Staff Use Only</i>
<p><b>Owner Name &amp; Address:</b>            _____            _____            _____</p> <p><b>Phone:</b> _____</p>	<p>Date Received: _____</p> <p>Taken In By: _____</p>
<p><b>Applicant/Agent Name &amp; Address</b>            (If different than property owner, <b>Agent letter must accompany submittal</b>):            _____            _____            _____</p> <p><b>Phone:</b> _____</p>	<p>Date Application Complete: _____</p> <p>Date Approved: _____</p> <p>Date Denied: _____</p> <p>Planner: _____</p>

1. Attach a site plan drawn to scale showing the address of the property, assessor's parcel number, contour lines at a minimum of 2-foot intervals, unusual property features such as rock outcrops, north arrow, street location, property lines with dimensions, left side, center and right side elevation points and distances of the property, with the mathematical calculations used to complete #2 below.
2. Please complete the following: (*NOTE: This does not substitute for the calculations shown on the site plan*)
  - Left Side: A change in elevation of \_\_\_\_\_ ft. in a \_\_\_\_\_ ft distance which equals \_\_\_\_\_ % slope. (a)
  - Center: A change in elevation of \_\_\_\_\_ ft. in a \_\_\_\_\_ ft distance which equals \_\_\_\_\_ % slope. (b)
  - Right Side: A change in elevation of \_\_\_\_\_ ft. in a \_\_\_\_\_ ft distance which equals \_\_\_\_\_ % slope. (c)

The average change in elevation on the lot is  $(a) + (b) + (c) \div 3 =$  \_\_\_\_\_ %

**NOTE: The average horizontal distance must be greater to or equal to 20% to obtain approval.**

Has an Administrative Adjustment been applied for and/or granted on this parcel? \_\_\_\_\_ Yes \_\_\_\_\_ No

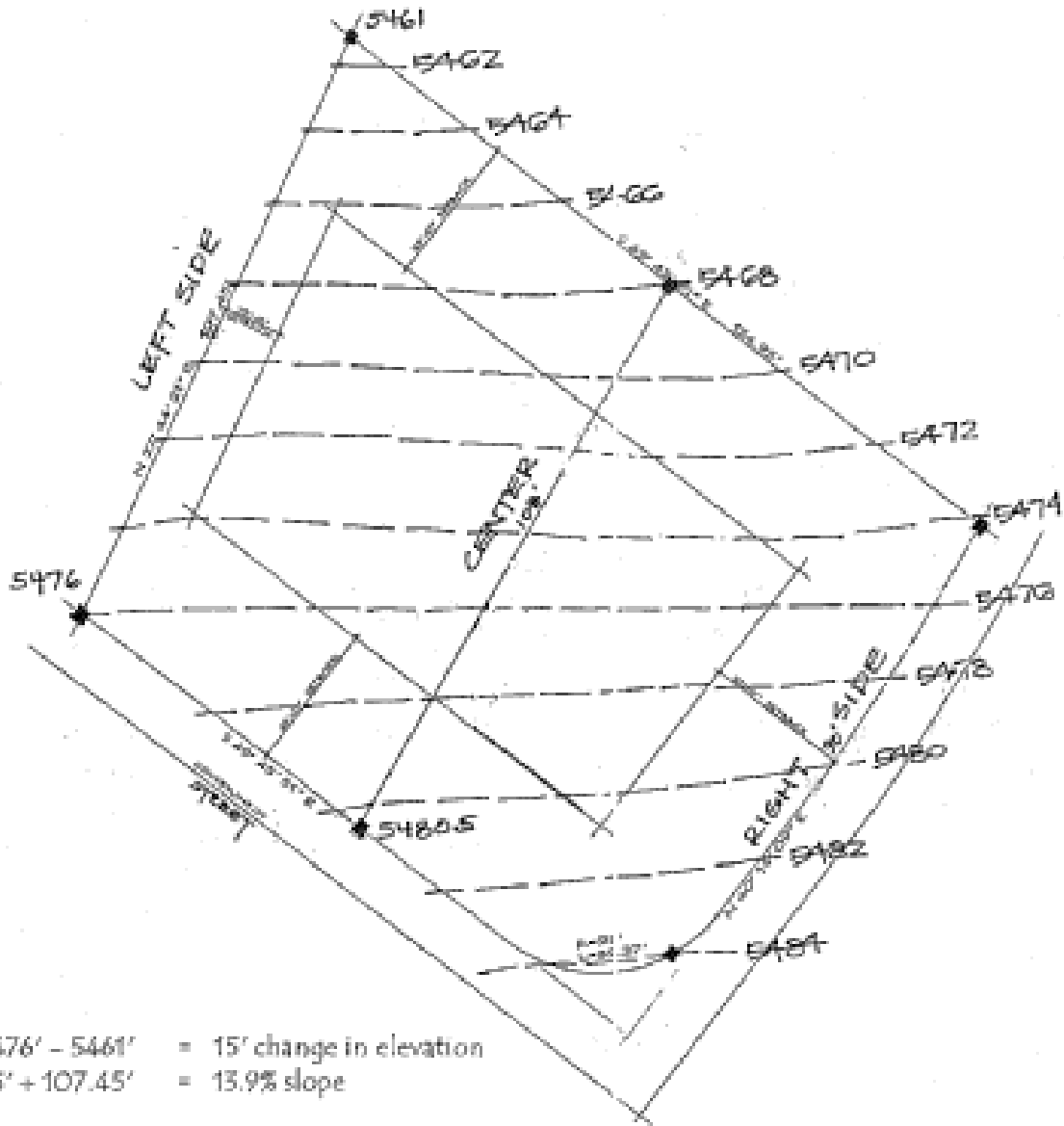
Name	Signature	Date
------	-----------	------

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.
- H. A municipality shall prominently print the provisions of subsections A, B, C, D, E, F and G of this section on all license applications.
- I. The licensing application may be in either print or electronic format.

EXAMPLE

This property would not qualify for the Topographic Exception because the change in elevation is not equal to or greater than 20%.

$$(13.9\% + 11.6\% + 10\% = 35.5\% \div 3 = 11.8\%)$$



Left:  $5476' - 5461' = 15'$  change in elevation  
 $15' \div 107.45' = 13.9\%$  slope

Center:  $5480.5' - 5468' = 12.5'$   
 $12.5' \div 108' = 11.6\%$

Right:  $5484' - 5474' = 10'$   
 $10' \div 90' = 11\%$

## ADMINISTRATIVE ADJUSTMENT SUBMITTAL REQUIREMENTS

**Purpose.** Administrative adjustments are intended to provide flexibility with respect to the numerical standards of the LDC and the General Development Standards of Article 6 where development is proposed that would be:

- A. Compatible with surrounding land uses;
- B. Harmonious with the public interest; and
- C. Consistent with the purposes of the LDC.

**Applicability.** Pursuant to the requirements of LDC 9.16, the Community Development Director may authorize adjustment of:

- A. Up to 10 percent from any numerical standard related to height, bulk, setback or lot coverage; and
- B. Outdoor lighting standards of Sec 6.11.

Any numerical adjustment request greater than 10 percent shall be treated as a Variance handled by the Board of Adjustment pursuant to the requirements of Section 9.13, Variances. Outdoor lighting standards adjustments that do not meet or exceed the applicable standard in the opinion of the Community Development director shall be treated as a Variance handled by the Board of Adjustment pursuant to the requirements of Section 9.13, Variances.

### **Application Process.**

- A. Application Submittal.** A complete application for an administrative adjustment shall be submitted to the Community Development Director as set forth in Section 9.1.3, Applications Forms and Fees, and Section 9.1.5, Application Completeness.
- B. Public Notification.** Upon receipt of a complete application, at a minimum, public notices shall be mailed to adjacent property owners with the Community Development Directors discretion to notice farther when warranted. Additional notice may also be provided to parties having specific interest in the matter in accordance with the provisions of Section 9.1.10, Additional Notice.
- C. Community Development Director Action.** The Community Development Director shall approve, approve with conditions or deny the application. A written notification of the decision shall be mailed, or otherwise provided, to the applicant.
- D. Written Decision.** The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant within 15 days from the decision.

**Administrative Adjustment Criteria.** To approve an application for an administrative adjustment, the Community Development Director shall consider the following criteria:

- A. Granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
- B. Granting the adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
- C. Granting the adjustment will be generally consistent with the purposes and intent of the LDC; and
- D. Granting the adjustment will be based on the physical constraints and land use specifics, rather than on economic hardship of the applicant.

**Referral to the Board of Adjustment.** In the event that the Community Development Director denies the administrative adjustment, the applicant may seek a Variance from the Board of Adjustment in accordance with the provisions of Section 9.13, Variances.

**Topographic Exceptions.** The Land Development Code (Section 2.7.D.7.b.) permits a maximum reduction of 10 feet from the otherwise applicable front or rear setback when the average slope of the lot is 20% or greater. NOTE: Only one setback reduction may be granted administratively.