

# Chapter 5

## WAIVERS

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### Section 5.1 Waivers

#### Section 5.1.1 Waivers Granted by the Planning Commission

- A. The Planning Commission may consider requests for and grant approval of waivers to:
1. The minimum parking requirements of Chapter 17, Parking and Loading, within the Florida Boulevard Design Overlay where the requirements cannot be met due to the size, shape, topographical constraints, or historical character of the neighborhood pursuant to Section 10.3.6.C, Waivers, Variations, and Exceptions;
  2. The minimum parking requirements of Chapter 17, Parking and Loading, within the Nicholson Drive Design Overlay if compliance with other provisions of the overlay are not feasible due to parking requirements pursuant to Section 10.3.9.I.1.s;
  3. The minimum parking requirements of the Old Town Redevelopment Overlay where the requirements cannot be met due to the size, shape, topographical constraints, or historical character of the neighborhood pursuant to Section 10.6.4, Parking;
  4. The location of sidewalks pursuant to Section 13.8. C, Waivers, in:
    - a. Single family residential development of five lots or less that is more than  $\frac{1}{4}$  mile from an existing accessible sidewalk, multi-use path, commercial node, school, park, community center, or library in the Suburban Character Area; or,
    - b. In any character area if an alternative location or surface for a pedestrian way is proposed in order to save significant trees, maintain drainage ways, or when the alternative location provides connections throughout the development;
  5. The setbacks for wireless communication towers established in Section 14.2.2, Wireless Tower Communications;
  6. The height of wireless communication towers to a maximum of 300 feet in the Rural zoning district provided that the tower is designed to accommodate additional antennae and wireless transmission and relay equipment equal in number to applicant's present and future requirements or the needs of another provider of similar telecommunication services pursuant to Section 14.2.3.A; and,
  7. The separation requirements of wireless communication towers established in Section 14.2.1, if the applicant certifies that the existing tower, a permitted Communication Tower site, or an existing building of equal or greater height does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.

B. Appeals

At the first regular meeting of the Metropolitan Council following the decision of the Planning Commission regarding requests for all such waivers, any member of the Metropolitan Council may introduce an appeal of said decision, with the appeal to be heard to the next zoning meeting of the Metropolitan Council. Failure to appeal will make the Planning Commission decision final.

**Section 5.1.2 Waivers Granted by the Planning Director**

The Planning Director may consider requests for and grant approval of waivers to the Major Street Plan setbacks to permit excess parking and structures such as fences, walls, and signs to be located within the Major Street Plan setback upon the approval of a hold-harmless agreement approved by the Parish Attorney pursuant to Section 11.1.2.C.1, Major Street Plan Setbacks.

**Section 5.1.3 Waivers Granted by the Floodplain Administrator**

The Floodplain Administrator may consider requests for and grant approval of waivers to Local freeboard requirements pursuant to Sections 15.10, Duties and Responsibilities of the Floodplain Administrator, and 15.12, Variances and Waivers, if:

- A. The 100-year base flood, the flood with a one percent chance of occurring in any given year, elevation plus freeboard results in an elevation in excess of the 500-year flood, the flood with a 0.2% chance of occurring in any given year, elevation; or,
- B. The 1993 amended FIRM increased the base flood elevation by two feet or more and the proposed construction or substantial improvement is within an existing recognized development;

**Section 5.1.4 Waivers Granted by the Director of Development**

The Director of Development may consider requests for and grant approval of waivers to:

- A. The requirement to treat specific water pollutants, pursuant to Section 15.12, Variances and Waivers if the developer provides documentation proving the specific pollutant does not exist on the site and will not be generated by specific activities proposed to occur on the site post construction;
- B. The requirement to provide a Drainage Impact Study pursuant to Section 15.15, Drainage Impact Study, provided that:
  - 1. Sufficient information is submitted by the developer indicating that the runoff from the proposed development is consistent with and discharges to a previously approved development having adequate drainage facilities or is a part of an approved larger plan of development with an approved drainage study, or is served by a network of subsurface public storm drainage facilities engineered to accommodate the runoff from the developed site.
- C. The requirement to provide on-site retention/detention areas for stormwater runoff when it is demonstrated that the applicable existing streets have been designed to accommodate the stormwater runoff from paved parking areas and adequate catch basins and inlets are available pursuant to Section 15.21, Specific Standards.