



- 1 (1) Height;
- 2 (2) Yards;
- 3 (3) Offstreet parking and loading;
- 4 (4) Landscaping and buffers;
- 5 (5) Separation of uses;
- 6 (6) Plot coverage;
- 7 (7) Such other provisions of the Code which do not specifically prohibit such
- 8 requests.

9 (B) No variance request may be acted upon by the town council that would allow  
10 a use which is specifically or by inference prohibited in any zoning district  
11 classification, including an increase in density, or any provisions for which the  
12 ULDC specifically prohibits waiver or modification.

13 (C) Notwithstanding the foregoing subsections (A) and (B), the Town Council  
14 may grant a variance from any provision of this chapter that a petitioner  
15 claims violates state or federal law, upon a finding that the petitioner satisfies  
16 the standard set forth in the applicable federal or state statutes, or legal  
17 precedent interpreting the applicable statutes, to establish that the requested  
18 relief is required by law.

19 ~~(D)~~ Applications for variances will not be considered with respect to the  
20 following:

21 (1) Where application, either formal or informal, has been made for  
22 construction or alteration of buildings, structures, or other  
23 improvements that commenced subsequent to April 14, 2005 (the date  
24 of adoption of the ordinance from which this provision is derived), and  
25 for which all necessary development orders and permits have not been  
26 issued or where the town has denied such application, but the building,  
27 structure, or other improvement is later constructed.

28 (2) Where plans have been submitted and approved and permits issued and  
29 the building, structure, or other improvement is not built according to  
30 plan.

31 (3) Where plans have been submitted and approved and permits issued, but  
32 additional work not shown on the approved plans has been performed.

33 (4) Where a property has been subdivided and as a result an existing  
34 structure is in violation of the provisions of this ULDC.

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**Section 3: Codification.** The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

**Section 4: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 5: Severability.** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.

**Section 6: Effective Date.** This Ordinance shall take effect immediately upon passage and adoption.

**PASSED ON FIRST READING** this 16<sup>th</sup> day of December, 2021 on a motion made by Vice Mayor Jablonski and seconded by Council Member Kuczenski.

**PASSED AND ADOPTED ON SECOND READING** this 10<sup>th</sup> day of February, 2022, on a motion made by Council Member Kuczenski and seconded by Vice Mayor Jablonski.

**[Signatures on the Following Page]**


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Breitkreuz       
Hartmann       
Allbritton       
Jablonski       
Kuczenski     

Ayes     5      
Nays     0      
Absent     0      
Abstaining     0    

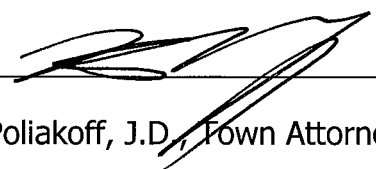
  
\_\_\_\_\_  
Steve Breitkreuz, Mayor

ATTEST:

  
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Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

  
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Keith Poliakoff, J.D., Town Attorney

1001.801.01

Ordinance No. 2022-\_\_  
New text is underlined and deleted text is ~~stricken~~