

ARTICLE X

WAIVERS AND MODIFICATIONS

1001 WAIVERS TO APPLICATION REQUIREMENTS

In a subdivision or land development where certain information required in the application by Articles III through VI is found by the Planning Commission to be unavailable, inapplicable, or not necessary for its review, the commission may waive those requirements with respect to that application.

- A. The time specified for filing are based on the Municipal Planning Code. The County Planner may accept late filings provided there is sufficient time for review before the meeting. (May be modification, could charge twenty-five (\$25.00) dollars.

1002 MODIFICATIONS IN CASES OF PHYSICAL HARDSHIP

In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Ordinance would cause practical difficulty or exceptional and undue hardship, the Planning Commission may relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided that such relief may be granted without detriment to the public good and without impairing the intent and purpose of this Ordinance or the desirable general

development of the neighborhood.

1003 MODIFICATIONS TO ALLOW EQUAL OR BETTER SPECIFICATIONS

When an equal or better specification is available to comply with the Design Standards of this Ordinance, the Planning Commission may make such reasonable modifications to such requirements of this Ordinance to allow the use of the equal or better specification, provided such modification shall not be contrary to the public interest. In approving such modification, the Planning Commission may attach any reasonable conditions that may be necessary to assure adequate public improvements and protect the public safety.

1004 MODIFICATION OF TIME REQUIREMENTS

If at the time the agenda for a meeting is being prepared there is an application for preliminary or final approval that has not been completed as required by Articles III to VI inclusive; and the applicant considers that failure to complete is for reasons beyond his control, he may file a Request for Modification in which the failure to complete each missing item is explained. The Application and Request will be included on the agenda. If the Commission is satisfied that failure to have already completed those items was for the reasons beyond the applicants control, the Commission may grant Conditional Approval, i.e. approval conditional upon completion of the missing items prior to the next scheduled meeting of the Board. If the listed items have not been completed at the time of preparing that agenda for the next scheduled meeting, a new application for Modification may be filed.

1005 PROCEDURE FOR AUTHORIZING MODIFICATIONS

Any request for a modification to this Ordinance authorized by Sections 1002, 1003, and 1004 shall be submitted in writing by the applicant as part of the application for Preliminary Approval or Final Approval, stating the specific requirements of this Ordinance which are to be modified and the reasons and justification for the request.

The request for a modification to this Ordinance shall be considered by the Planning Commission at a public meeting. If warranted, the Planning Commission may hold a public hearing pursuant to public notice prior to making a decision on the request for a modification.

If the County Planning Director has not made a recommendation on the

request for modification, the Planning Commission may refer the request to the County Planning Director for a recommendation. In all cases where the County Planning Director or any other review agency has made a recommendation on the request, the recommendation shall be entered into the official record of the meeting.

The reasons relied upon by the Planning Commission in approving or disapproving the request also shall be entered into the minutes of the meeting and any Resolution adopted governing an application which contains a request for a modification shall include specific reference to the modification and the reasons for approval or disapproval.

If a modification is granted by the Planning Commission, a notation shall be placed on the final plat for recording, which indicates the nature of the modification granted, and the date of approval of the modification by the Planning Commission.