

## **ARTICLE 10**

### **RULE EXCEPTIONS**

#### **Sections:**

#### **10-1 Rule Exceptions**

#### **SECTION 10-1 RULE EXCEPTIONS**

##### **10-101.**

- a. Whenever the Planning Commission determines full conformance to the standards and procedures of these regulations is impractical or impossible due to the size, shape, topographic location or condition, or other factor which affects a specific tract or subdivision or portion thereof, the applicant may request and the Planning Commission may recommend a modification of these regulations in the final plat. A recommendation shall intend that substantial justice is done and the public interest is secured. A Planning Commission recommendation for a modification shall be made in writing to the Governing Body. In recommending such modifications, the Planning Commission must find:
  1. That there are special circumstances or conditions affecting the property;
  2. That the modification is necessary for the reasonable and acceptable development of the property in question; and
  3. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the vicinity of the property in question.
- b. In making its recommendation for modification the Planning Commission may require such conditions as it finds necessary to ensure that the objective of the regulation modified will be substantially secured.
- c. A request for modification shall be approved or disapproved by the Governing Body after its consideration of the recommendation of the Planning Commission.