

TITLE 11
CHAPTER 7

MODIFICATIONS, SUBDIVISION REGULATIONS

SECTION:

11-7-1: Application for Modification

11-7-1: APPLICATION FOR MODIFICATION:

- A. Time for Submitting Application: Concurrently with submitting a tentative plan to the Planning Director for Planning Commission consideration and approval, an applicant may submit to the secretary of the Planning Commission an application for a modification of any provision of Chapters 2 through 6 of this Title and Chapter 36 of Title 10. (Amd. Ord 30, Series 1990).
- B. Contents of Application: An application for a modification shall be a verified petition stating the provision sought to be modified and stating facts showing that:
1. Such provision, if strictly applied, would cause unique and unnecessary hardship to the applicant in subdividing or partitioning the subject area; and that
 2. Modifications of such provision(s) would not be contrary to the purpose of this Title for the reason that:
 - a. Where the application is for a modification of any provision of Chapters 5 or 6 of this Title, unusual topographic conditions or previous layout of the partition or subdivision area or neighboring area reasonably require such modification and such modification will not be substantially injurious to the public interest and the best use and value of property in the neighboring area; or
 - b. Where the application is for a modification of any provision of Chapters 2 through 4 of this Title, the purpose of such provision has been fulfilled without a strict application thereof, and the interest of the public in efficient transaction of public business will best be served by such modification.
- C. Concurrent with its consideration of the application for tentative plan approval and subject to the same procedures and effective dates, the Planning Commission or its designee shall consider the application for modification. Approval of the application for modification shall be granted provided affirmative findings can be made for the criteria in paragraph B of this section and provided the tentative plans are also approved.

Amended by Ord 30, Series 1990
Section 11-7-1 Amended by Ord. No. 9, Series 2009