

CHAPTER 1162

Variances

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1162.01 MODIFICATIONS.

The Planning Commission may modify these Subdivision Regulations where unusual or exceptional factors or conditions require, or for large scale developments, subdivisions of land or for commercial and industrial developments.

1162.02 EXCEPTIONAL FACTORS OR CONDITIONS.

To modify these Subdivision Regulations where unusual or exceptional factors or conditions require, the Planning Commission shall:

- (a) Find that unusual topographical or exceptional physical conditions exist;
- (b) Find that strict compliance with these Subdivision Regulations would create an extraordinary hardship in the face of the exceptional conditions;
- (c) Permit any such modification to depart from these Subdivision Regulations only to the extent necessary to remove the extraordinary hardship.

1162.03 LARGE SCALE DEVELOPMENTS.

These Subdivision Regulations may be modified by the Planning Commission in the case of a plan for a complete community or neighborhood unit having a building and development program which, in the judgment of the Planning Commission, provides and dedicates adequate public open spaces and improvements for the circulation, recreation, education, light, air, and serve needs of the tract when fully developed and populated. The Planning Commission shall ascertain that the proposed project will constitute a desirable and stable development; that it will be in harmony with developments in adjoining areas; and that such covenants, restrictions, financial guarantees and other legal assurances to guarantee the plan will be followed and fully achieved.

1162.04 RE-SUBDIVISION OF LAND.

These Subdivision Regulations may be modified by the Planning Commission in the case of re-subdivision, provided such re-platting is done with due consideration for existing utilities and facilities and it is deemed by the Planning Commission to be an upgrading of the original platting. A formal plat and new lot number are required as stated in Section 1157.01.

1162.05 COMMERCIAL OR INDUSTRIAL DEVELOPMENTS.

These Subdivision Regulations may be modified by the Planning Commission for subdivisions that are proposed for commercial or industrial use. Such modifications shall be made and required by the Planning Commission as will assure lot sizes and shapes, street standards and arrangements, and off-street parking and loading areas that are carefully designed to serve the industrial or commercial land uses which are proposed or permitted.

1162.06 PREREQUISITES TO PLANNING COMMISSION APPROVAL OF VARIANCES.

In all cases the Planning Commission shall:

- (a) Find that any modification granted will not be detrimental to the public or in conflict with the intent of these Subdivision Regulations, the Zoning Code, or other regulations of the City, County, or State;
- (b) Require such other conditions to be met by the proposed plat as the Commission may find necessary to accomplish the purposes of these Subdivision Regulations when modified;
- (c) Require any variance granted by the Commission to be noted on the plat so that the required zoning certificate or building permits may be issued.

1162.07 PROCEDURE FOR VARIANCE APPLICATION.

All variance requests shall be submitted to the Planning Commission with the preliminary plat filing. The application for a variance from these Subdivision Regulations, as shown in Appendix D, shall clearly state in detail the reasons for and facts supporting the variance request, and demonstrate compliance with Section 1162.02 herein.