Secs. 30-804—30-829. Reserved.

DIVISION 8. WAIVERS

Sec. 30-830. Approval authority.

The planning and zoning board may approve waivers to the standards of this article following a unanimous vote. Less than a unanimous vote shall constitute a recommendation with final action required from the town council.
(Ord. of 1-6-2000, § 5-12.1)

Sec. 30-831. Grounds for waivers.

The plan approval agency may waive standards in this article under one of the following circumstances:

(1) *Physical hardship.* Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this article would cause unusual and unnecessary hardship on the subdivider.

(2) *Equal or better performance.* Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this chapter.

(3) *Unintentional error.* Where through an unintentional error by the applicant, his agent, or the reviewing staff, there is a minor violation of a standard in this article, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties.

(Ord. of 1-6-2000, § 5-12.2)

Sec. 30-832. Grounds for waivers to section 30-860(f).

(a) At the time of the waiver, a stub street to the subject property under consideration for waiver must exist. A new stub street to the subject property cannot be created for purposes of granting requested waiver herein.

(b) The subject property must be completely land locked without any other means of access at the time of application and request for waiver.

(c) That the granting of such waivers will not be of substantial or material harm to the intent, nor be prejudicial or contravene the intent of section 30-860(f) which is to limit single entrance residential subdivision streets to no more than 500 trips per day.
(Ord. of 1-6-2000, § 5-12.3)

Sec. 30-833. Conditions.

In granting waivers, the approval authority may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.
(Ord. of 1-6-2000, § 5-12.4)