

## ARTICLE 17: MODIFICATIONS

### **Section 17.10 Modifications and Waivers**

Where extraordinary hardships or practical difficulties may result from strict interpretation of Articles 15 and 16, the Planning Commission of the Town of Seabrook Island, based upon recommendation of its departments may modify or waive the requirements so that substantial justice is realized, provided the public interest is protected; and further provided that such modification does not have the effect of nullifying the intent and purpose of the adopted comprehensive plan or the objectives of land development regulations contained in this Ordinance.

#### **17.10.10 General Criteria**

The subdivider shall submit a petition stating clearly and definitely the reason for a proposed modification or waiver of a specific land development requirement. Consideration will be given to the following factors:

- (a) Special conditions affecting the property that are unique to the property involved and not generally shared by other properties in the Town so as to justify amending the requirements of this ordinance.
- (b) Undue hardships that will result from adherence to the ordinance requirements.
- (c) Modifications or waivers granted shall not be detrimental to adjacent property or to the public health, safety, general welfare and interest.

#### **§17.10.20 Criteria in Specific Situations** (Ordinance 2004-04, 8/24/04)

**§17.10.21** The proposed development has been zoned as a planned development (PD) and lot and building requirements other than those referenced in §5.60.40 or listed in Article 7 have been approved in conjunction with the master plan.

**§17.10.22** Required site and soil evaluation may be waived when parcels of land of five (5) or more acres are being created for purposes other than building lots or tracts. Plats so presented must be captioned accordingly and shall be required to conform to all remaining Subdivision Regulation requirements. The stamp of approval will denote that Health Department approval is not included.

(Sections 17.10.23 and .24 deleted with the adoption of Ordinance 2004-04, 8/24/04)