

ARTICLE VIII

VARIANCES

8.1 HARDSHIP

8.11 Where the Planning Board finds that compliance with these regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, the minimum requirements of the regulations may be modified to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of the regulations.

8.12 No such modifications may be granted if it would have the effect of nullifying the intent and purpose of the Official Map, the Zoning Ordinance, the Master Plan, or these regulations.

8.2 LARGE SCALE DEVELOPMENT

8.21 The standards and requirements of these regulations may be modified by the Planning Board in the case of a plan and program for neighborhood unit or similar large-scale development which in its judgment provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan. This plan should conform to the Planned Development District in the Zoning Ordinance.

8.3 CLUSTER DEVELOPMENT

8.31 When the zoning regulations are amended to so permit, the Planning Board may approve plats with lot dimensions below the minimum area standard normally required in the zoning district, provided that equivalent additional land is set aside as open or recreational space or that portions of the proposed development are designated for lower density development. In either case the average density for the entire plat shall not exceed the maximum density permitted by the zoning regulations.

8.32 Open or recreational space in such plats may be public or adequately secured for such purposes by private need restrictions acceptable to the Planning Board.

8.33 Such land shall be considered as meeting or counting toward the requirements of Article V, Section 5.8 of these regulations governing public open spaces and neighborhood facilities sites.

8.4 UNREQUIRED OR INAPPROPRIATE IMPROVEMENTS

8.41 The Planning Board may waive the requirements for such subdivision improvements as in its judgment of the special circumstances of a particular plat or plats are not required in the interest of the public health, safety and general welfare.

8.42 The Planning Board may also waive the requirements for such subdivision improvement as in its judgment of the special circumstances of a particular plat or plats are inappropriate because of inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision.

8.5 CONDITIONS TO WAIVERS AND MODIFICATIONS

8.51 In granting waivers or modifications the Planning Board may require such reasonable conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived or modified.