

ARTICLE X

WAIVERS AND MODIFICATIONS

SECTION 1001 WAIVER OF APPLICATION REQUIREMENTS FOR SMALL SUBDIVISIONS

1001.1 Small Subdivisions

In subdivisions which exceed the number of lots specified in the definition of minor subdivision, but which meet all other aspects of the definition of minor subdivision, the Planning Commission may exempt the applicant from complying with some of the requirements of Section 304 regarding application content, if warranted. Applicants desiring to obtain a waiver of certain application requirements under the provisions of this Section shall submit a written request when submitting an application for Preliminary Approval.

The Planning Commission, may grant a waiver to any of the application requirements of Section 304 of this Ordinance, if warranted, provided that such waiver is not contrary to the public interest and such waiver is not in conflict with the requirements of any other applicable County or State law or regulation. In the event that the Planning Commission does not grant a waiver of the application requirements, the application shall be considered incomplete and the Commission shall return the application to the applicant for resubmission and compliance with all requirements of Section 304 of this Ordinance.

1001.2 Land Developments

In the case of a land development which proposes the change of use of an existing building, an addition to an existing building or the construction of a single non-residential building on a lot which new construction is less than ten thousand (10,000) square feet of gross floor area, the requirement to submit separate applications for Preliminary and Final Approval may be waived by the Planning Commission, provided all of the applicable information required by Sections 504 and 507 of this Ordinance is provided in the application for approval of the land development. If such waiver is granted, the procedure for granting combined Preliminary and Final Approval of the land development shall follow the procedure for granting Final Approval of a Land Development specified in Sections 506 through 515 of this Ordinance.

SECTION 1002 MODIFICATIONS IN CASES OF PHYSICAL HARDSHIP

In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Ordinance would cause practical difficulty or exceptional and undue hardship, the Board of Supervisors may relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided that such relief may be granted without detriment to the public good and without impairing the intent and purpose of this Ordinance or the desirable general development of the neighborhood and the community in accordance with the Township's Comprehensive Plan.

SECTION 1003 MODIFICATIONS TO ALLOW EQUAL OR BETTER SPECIFICATIONS

When, an equal or better specification is available to comply with the Township Construction Standards or Design Standards of this Ordinance, the Board of Supervisors may make such reasonable modifications to such requirements of this Ordinance to allow the use of the equal or better specification, upon recommendation of the Township Engineer, provided such modification will not be contrary to the public interest. In approving such modification, the Board of Supervisors may attach any reasonable conditions which may be necessary to assure adequate public improvements and protect the public safety.

SECTION 1004 PROCEDURE FOR AUTHORIZING MODIFICATIONS

Any request for a modification to this Ordinance authorized by this Article shall be submitted in writing by the applicant as part of the application for approval of a Preliminary or Final Application, stating the specific requirements of this Ordinance which are to be modified and the reasons and justification for the request.

The request for a modification to this Ordinance shall be considered by the Board of Supervisors at a public meeting. If warranted, the Board of Supervisors may hold a public hearing pursuant to public notice prior to making a decision on the request for a modification.

If the Township Planning Commission has not made a recommendation on the request for modification, the Board of Supervisors may refer the request to the Planning Commission for a recommendation. In all cases where the Planning Commission has made a recommendation on the request, the recommendation shall be entered into the official record of the meeting.

The reasons relied upon by the Board of Supervisors in approving or disapproving the request also shall be entered into the minutes of the meeting and any Resolution or Ordinance adopted governing an application which contains a request for a modification shall include specific reference to the modification and the reasons for approval or disapproval.

If a modification is granted by the Board of Supervisors, a notation shall be placed on the final plat for recording which indicates the nature of the modification granted and the date of approval of the modification by the Board of Supervisors.