

10A NCAC 29C .0112 MODIFICATIONS

(a) Modifications from the development standards and regulations other than permitted use regulations may be approved by the committee on finding the following:

- (1) that special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures;
- (2) that literal interpretations of these regulations deprive the applicant of rights commonly enjoyed by other properties; and
- (3) that an arrangement other than specified in these regulations can be shown to provide adequate vehicular and pedestrian circulation, off-street parking, loading spaces, sign control, public areas, landscaping and other controls; and in the committee's judgment is equal to or better than an arrangement which would conform.

(b) No modification shall reduce requirements by more than 20 percent and the committee's findings as well as permitted modifications shall become a part of the public record. Wherever practical for each area of land gained by an applicant because of a reduction below the minimum requirements, equal amounts of land shall be required as open space for greenbelts, parks, recreation areas or related uses.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*