

## **9-02.10 [Exceptions, Variance]**

### **9-02.10-10 [Exceptions in Case of a Planned Unit Development]**

The standards and requirements of these regulations may be modified by the Planning Commission in the case of a planned unit development.

### **9-02.10-20 [Variance Application]**

The Planning Commission may authorize conditional variances to requirements of this chapter. Application for a variance shall be made by a petition of the land divider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan. A variance may be granted only in the event that all of the following circumstances exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this chapter have had no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this code, or to property in the same vicinity in which the property is located, or otherwise in conflict with the objectives of any City plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship.

### **9-02.10-30 [Planning Commission Action on Variances]**

In granting or denying a variance, the Planning Commission shall make a written record of its findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The City shall keep the findings on file as a matter of public record.

### **9-02.10-40 [Appeal]**

- A. A person may appeal to the City Council from a decision or requirement made by the Planning Commission or the City Administrator. Written notice of the appeal must be filed with the City within ten (10) days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.
- B. The City Council shall hold a hearing on the appeal within thirty (30) days from the time the appeal is filed. The Council may continue the hearing for good cause. Following the hearing the Council may overrule or modify the decision or requirement made by the Planning Commission if the decision of the Council complies with the spirit and intent of the code. The disposition of the appeal shall be final.

### **9-02.10-50 [Penalties for Violation]**

In addition to penalties provided by State law, a person who violates or fails to comply with a provision of this chapter shall be punished by a fine of not more than five hundred dollars (\$500). A violation of this chapter shall be considered a separate offense for each day the violation continues.

**9-02.10-60 [Fee Schedules]**

For the purpose of partially defraying expenses incurred in the administrative processing of this chapter, the filing fees shall be paid to the City of Vernonia at the time of submission of the filing of plans or applications. Fees shall be set by resolution of the City Council.