

## **Chapter 20 Conditional Uses**

### **Section 10:20: 1 Purpose**

### **Section 10:20: 2 Permit Required**

### **Section 10:20: 3 Application Process**

### **Section 10:20: 4 Application Fee**

### **Section 10:20: 5 Development Plan**

### **Section 10:20: 6 Land Use Authority Action**

### **Section 10:20: 7 Town Council Action**

### **Section 10:20: 8 Time Limitations**

### **Section 10:20: 9 Approval of Plan and Inspections**

### **Section 10:20:10 Revocation**

#### **Section 10:20: 1 Purpose:**

The purpose of this chapter is to provide for the regulation of land uses to ensure their compatibility and proper integration into the land use pattern of the town. Certain uses which may be harmonious under special conditions but improper under general conditions are classed as conditional uses and require conditional use permits for approval prior to construction.

#### **Section 10:20: 2 Permit Required:**

An approved conditional use permit shall be required for each conditional use listed in this title. No building permit or other permit or license shall be issued for a use requiring conditional use approval until a conditional use permit shall first have been approved by the planning commission.

#### **Section 10:20: 3 Application Process:**

Application for a conditional use permit shall be made at the office of the planning commission in the same manner as a request for a zone change, subdivision review or other similar planning request.

**Section 10:20: 4 Application Fee:**

The conditional use permit application shall be accompanied by a filing fee in an amount as may be established by the town council from time to time.

**Section 10:20: 5 Development Plan:**

- A. The applicant for a conditional use permit shall prepare a site plan and elevations (as may be necessary) for the site development proposed to be developed. The plan shall be drawn to scale and shall show all existing and proposed buildings, fences, general landscape layout, automobile circulation and parking, loading areas, garbage collection areas, lighting, signs, topographic maps for irregular land, soils reports, vicinity map, drainage plan and any other information that the planning department may deem necessary to properly consider the application.
- B. The planning commission will not consider the conditional use permit without the preparation and submission of an accurate and complete development plan.

**Section 10:20: 6 Land Use Authority Action:**

The planning commission may approve, modify and approve, or deny a conditional use application made to the planning commission. The planning commission shall require regulations and conditions as are necessary to protect the public health, safety, welfare and aesthetics of the area. In approving a conditional use permit, the planning commission shall find:

- A. That the proposed use is necessary or desirable and will contribute to the general well-being of the town.
- B. That the use will not be detrimental to the health, safety, welfare or aesthetics, or detrimental to property or improvements in the area.
- C. That the proposed use will comply with the regulations of this title.
- D. That the proposed use is in harmony with the intent and purpose of the general plan, or that the plan shall have first been amended through public hearing.

**Section 10:20: 7 Town Council Action:**

Any person adversely affected by any decision of the planning commission may petition the town council for a review of the decision. Any petition to the town council shall be filed within thirty (30) days after the planning commission decision is final.

**Section 10:20: 8 Time Limitations:**

A conditional use permit shall be good for one year after approval. If at the end of one year, construction has not been started, the conditional use permit shall become null and void unless a request is made for extension by the applicant. In granting any request for extension, the planning commission shall find that substantial work shall have been accomplished toward its completion or that through no fault of the applicant, it has been impossible to diligently pursue the completion of the application. Extensions may be granted for periods of time not to exceed one year at each extension. Once completed, the permit shall require no further renewal unless stipulated by the planning commission.

**Section 10:20: 9 Approval of Plan and Inspections:**

Upon approval of plans by the town, a copy of the approved plan shall be placed on file in the office of the planning department. The building inspector shall inspect the conditional use site during the course of construction and shall ensure that the development on site complies with the conditions of the use permit as on file in the planning department.

**Section 10:20:10 Revocation:**

A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit and the applicant shall be so notified of revocation by the town. The permit may be reinstated upon determination by the planning commission that the cause for revocation has been corrected and that the applicant intends to complete the project according to the plan approved by the planning commission at the time the permit was originally issued, or as they might have been properly amended by the planning commission from time to time during construction of the conditional use.