

## **111.0     CONDITIONAL USES**

### **111.1     Intent and Purpose**

The intent of conditional uses is to allow uses not normally permitted in a zone to occur if certain conditions and specifications are met. These conditions and specifications insure that the use fits in with the intent of the zone, is a desirable use related to the permitted uses for that zone, and does not cause hardships for neighboring properties.

### **111.2     Conditional Use Permit**

A conditional use permit is required for all uses listed as conditional uses in the Land Use Chart. A conditional use permit may be revoked by the Town Council upon failure of the applicant to comply with the conditions imposed with the original approval of the permit.

### **111.3 Review Procedure**

1. Application for a conditional use permit shall be made to the Planning Commission. Appropriate forms may be secured from the Town Clerk.

2. Detailed location map and site and building plans shall be part of the completed application forms.

3. The application, together with all information required by the Planning Commission, shall be considered by the Planning Commission at its next regularly scheduled meeting.

4. The Planning Commission may call a special public hearing on any conditional use permit application if they determine the hearing to be in the public interest. The public hearing shall be held after two weeks of public notice. The record of the public hearing, if held, and the recommendation of the Planning Commission, together with any conditions of approval or reasons for denial, shall be forwarded in writing to the Town Council within thirty (30) days after the application is first reviewed by the Planning Commission.

#### **111.4 Determination**

The Planning Commission shall recommend approval or denial to the Town Council of any use listed as a conditional use in the applicable zone. In recommending approval of a conditional use, the Planning Commission shall suggest in writing any requirements and/or conditions, which are necessary to protect adjacent properties and the public welfare.

The Town Council shall permit or deny applications for conditional uses within thirty (30) days after the application and the Planning Commission's recommendation are received at a regularly scheduled meeting. In approving any conditional use, the Town Council shall impose any requirements and/or conditions, which it deems necessary. The decision of the Town Council shall be final.

#### **111.5 Basis for Issuance of a Conditional Use Permit**

The Planning Commission shall not recommend and the Town Council shall not permit a conditional use unless the following conditions are met:

1. The proposed use of the particular location is necessary and/or desirable to provide a service or facility, which will contribute to the general well-being of the community.

2. The use will not, under the particular circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons, nor be injurious to property improvements in the community.

3. The proposed use will be compatible with and complimentary to the existing surrounding uses, buildings and structures. The following list presents questions to be considered by the Planning Commission. Other items determined to be relevant by the Planning Commission shall also be considered.

a. Does the development have an approved water supply?

b. Does the development have an approved sewage disposal system?

c. Have arrangements been made for the collection and disposal of wastes produced by the development?

d. Will the construction of the project be accomplished in a timely manner so as to produce minimal disruptions to neighboring properties?

e. Do the developers have sufficient financial backing to complete the project as proposed?

f. If the proposed use is a non-residential use, will the hours of operation or use adversely affect neighboring properties?

g. Will the proposed use generate traffic which will be detrimental to the surrounding neighborhood in terms of traffic character and volume?

h. Will internal traffic circulation and parking adversely affect adjacent property?

i. Will entrances and exits be able to handle intended traffic?

j. Will parking facilities be adequately screened from adjacent residential properties?

k. If a hard surface parking lot is developed, will irrigation water, storm water runoff or snow-melt drain onto adjacent properties? .

l. Do the structures and design of the development enhance the existing neighborhood?

m. Is the architectural style of proposed buildings compatible with existing architecture in the area?

n. Will any proposed signs adversely affect the development itself or surrounding properties?

o. Will proposed landscaping improve the appearance and acceptability of the development?

p. Will the proposed development adversely affect air or water quality or ambient noise levels?

q. Does the site design provide adequate drainage of storm water?

r. Will site construction methods be used to minimize erosion?

### **111.6 Inspection**

Following the approval of a conditional use permit by the Town Council, the building inspector shall issue an application for a building permit. The building inspector shall insure that the development is undertaken and completed in compliance with the conditions attached to the conditional use permit.

### **111.7 Time Limit**

Unless there is substantial action as determined by the Town Council under a conditional use permit within one year of its issuance, the conditional use permit shall expire.