

ARTICLE X

CONDITIONAL USE PERMIT

SECTION 1 GENERAL PURPOSE AND INTENT.

Paragraph 1 Every zoning district contains certain buildings, structures and uses of land which are normal and complementary to Permitted Principal Uses in the district, but which, by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets, or similar conditions, are often incompatible with adjacent activities and uses.

Paragraph 2 It is the intent of this Ordinance to permit Conditional Uses in appropriate zoning districts, but only in specific locations within such districts that can be designed and developed in a manner which assures maximum compatibility with adjoining uses.

Paragraph 3 It is the purpose of this Section to establish principles and procedures essential to proper guidance and control of such uses.

SECTION 2 GENERAL REGULATIONS.

Paragraph 1 Zoning district regulations established elsewhere in this Ordinance specify that certain buildings, structures and uses of the land may be allowed as conditional uses in a given district subject to the provisions of this section and to the requirements set forth in district regulations. The Town is empowered to grant and to deny applications for conditional uses and to impose reasonable conditions upon them including hours of operation, lighting, noise, parking, location on the site and time limits.

Paragraph 2 Every Conditional Use issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, upon issuance of an Occupancy Permit for the conditional use, signify that all zoning and site development requirements imposed have been satisfied; the Conditional Use shall run with the land. The maintenance of special conditions imposed as well as compliance with other provisions of the Ordinance, shall be the responsibility of the property owner.

Paragraph 3 The Town shall consider not only the nature of the use and the special conditions influencing its location in the particular district, but also the proposed location of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, and the influence that such factors are likely to exert on adjoining properties.

Paragraph 4 In order to approve a conditional use the Town must make a finding of fact that the establishment, maintenance or operation of the use of the building applied for will not be detrimental to the public health, safety, peace, convenience, comfort and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Town.

Paragraph 5 The Town may designate such conditions as it deems necessary to secure the intent and purpose of this Ordinance and may require such guarantees and evidence that such conditions are being or will be complied with.

SECTION 3 CONDITIONAL USE PERMIT APPLICATION.

Paragraph 1 Application for a conditional use shall be made in accordance with the Town’s development procedure handbook.

SECTION 4 ACTION, PROCEDURE AND FEES.

Paragraph 1 The application shall be processed in accordance with the Town’s development procedure handbook.

