

10-8-6: SPECIAL USES:

A. General Provisions: Permits for uses allowed only by special use permit may be approved by the town council upon recommendation by the planning and zoning commission after a public hearing. The planning and zoning commission may recommend and the town council may attach such conditions of approval to a permit for a special use to make it meet the criteria noted below. Special use permits may be approved for the noted uses under special conditions and in specific locations, even though such uses may not be allowed under the general conditions of the zone in which they will be located.

B. Application Process: Applications for special use permits must be accompanied by a scale drawn site plan and the applicant's statements describing how the proposed use would meet the criteria for approval of such a permit. Drainage and traffic plans and other information relating to the proposed use may also be required at the discretion of the town. (Ord. 04-242, 1-11-2005)

C. Evaluation Criteria: No special use permit shall be issued unless evidence is available to indicate that the proposed use will:

1. Be located, designed, and operated in a way that will be compatible with the livability and appropriate future development of abutting properties and the surrounding neighborhood;
2. Not seriously interfere with existing uses on adjacent properties, with the character of the area, or with the purpose of the zone in which it is proposed;
3. Not impose an undue burden on any public improvements, facilities, utilities, or services available to the area.

D. Amendments And Expiration:

1. If a special use is abandoned or discontinued for one year, the permit for the use becomes void without further action by the town and the use may not be reestablished without approval of a new permit.
2. The granting of a special use permit does not exempt the applicant from compliance with other relevant provisions of related ordinances. Failure to observe those provisions, or the conditions of approval of the permit, are a violation of this ordinance.
3. Amendments to special use permits are processed in the same way that applications for initial permits are processed.
4. Uses which were permitted outright before adoption of the ordinance codified herein, but which require a special use permit under this ordinance, may not be modified without approval of a special use permit.
5. Special use permits, and the conditions which were imposed upon them when they were approved, continue in force upon sale or transfer of ownership of the land, premises, or operations, and all successors and assigns are required to observe the requirements made when the permit was issued. (Ord. 132, 6-10-1997)