

## **Conditional use permit procedures.**

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A. General. Certain uses, while generally not suitable in a particular zoning district, may under certain circumstances be acceptable. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to the issuance of the conditional use permit and periodic review may be required. The conditional use permit shall be granted for a particular use and not for a particular person or firm. No conditional use permit shall be granted for a use which is not specifically designed as such in this title. Any use listed as a conditionally permitted use in a zoning district shall follow the procedures listed below and receive a zoning clearance prior to initiation of the use.

B. Conditionally Permitted Uses Designated. In addition to those conditionally permitted uses listed within a specific zoning district or otherwise listed in this title, the following uses shall be allowed in any zoning district upon receiving an approved conditional use permit from the town:

1. Wireless telecommunication facilities, such as cellular telephone and personal communication service receiving and transmission facilities, including any tower or accessory structure, that exceeds the height limitation of the respective zoning district in which it is to be located.
2. Manufactured home rental community, subject to the design criteria of TTC [18.60.140](#).
3. Recreational vehicle rental community, subject to the design criteria of TTC [18.60.140](#).

C. Application Required. The person applying for a conditional use permit shall fill out and submit to the zoning administrator the appropriate form together with the required fee and site plan. The request for a conditional use permit shall follow the application procedures and other applicable requirements of TTC [18.75.050](#), Site plan review procedures.

D. Notice of Public Hearing. The notice of public hearing and notification procedures for a conditional use permit shall conform to TTC [18.75.020](#).

E. Planning and Zoning Commission Considerations and Findings.

1. Within 30 days after the conclusion of the public hearing, the planning and zoning commission shall approve, conditionally approve, or deny the conditional use permit application.

2. The planning and zoning commission, in approving a conditional use permit, by an affirmative vote of not less than the majority of all its voting members, find as follows:

- a. That the site for the proposed use is adequate in size and topography to accommodate the use, and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to properly relate the use with the land and uses in the vicinity;
- b. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
- c. That the proposed use demonstrates adequate provisions for water and sewer;
- d. That the proposed use will have no adverse effect upon the abutting property(ies);
- e. That the proposed use shall be in conformance with the general plan;
- f. That the conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare. The conditions may include, but are not limited to:
  - i. Regulation of use;
  - ii. Special yards, spaces and buffers;
  - iii. Special fences, solid fences and walls;
  - iv. Regulation of design, landscaping or other aesthetic features;
  - v. Surfacing of parking areas;
  - vi. Requiring street, service road or alley dedications and improvements or appropriate bonds;
  - vii. Requiring the dedication of access rights;
  - viii. Regulations of points of vehicular ingress and egress;
  - ix. Regulation of signs;
  - x. Requiring maintenance of the grounds;

- xi. Regulation of noise, vibrations, odors;
- xii. Regulation of hours for certain activities;
- xiii. Time period within which the proposed use shall be developed;
- xiv. Time period/limit for the duration of use; and
- xv. Other conditions as will make possible the development of the town in an orderly and efficient manner.

3. The planning and zoning commission shall, in addition to any other conditions, impose the following general conditions upon every conditional use permit granted:

- a. The right to a use and occupancy permit shall be contingent upon the fulfillment of all general and special conditions imposed by the conditional use permit procedure;
- b. All of the special conditions shall constitute restrictions running with the land and shall be binding upon the owner of the land, their successors or assigns;
- c. All conditions specifically stated under any conditional use listed in this title shall apply and be adhered by the owner of the land, successors or assigns;
- d. All of the special conditions shall be consented to in writing by the applicant and/or property owner;
- e. The conditional use permit may be subject to periodic review, and it may be required that the applicant/property owner submit status reports regarding the use;
- f. The resolution granting the application, together with all consent forms, may be recorded by the county recorder.

4. Applications for conditional use permits may be approved, conditionally approved, or denied by motion of the planning and zoning commission. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval do exist. No application for a conditional use permit which has been denied wholly or in part shall be resubmitted for a period of six months from the date of the order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the council.

F. Notification of Planning and Zoning Commission Action. The applicant shall be notified in writing of the action taken by the planning and zoning commission within 30 days of its action. If the application has been granted, a zoning clearance form may be issued upon the signature of the zoning administrator, and any conditions, automatic termination date, or period of review shall be stated on the permit.

G. Violation. Violations to the conditions of a conditional use permit shall constitute a violation of the conditional use permit and of this title and shall be subject to the enforcement regulations of this title, including but not limited to revocation of the conditional use permit or the placement of additional conditions by the planning and zoning commission.

H. Modifications to Approved Structures. Any proposed additions, enlargements or modifications of the structures approved in any conditional use permit, or any proposed extension of the use into areas not approved in any such permit, shall be subject to the procedures described in this section.

I. Nonconforming Conditional Uses. Any use that the town may allow as a conditional use, existing at the time the ordinance codified in this title or any amendments thereto become effective, shall be considered a nonconforming use unless such use has been established as a conditional use as provided for in this title.

[2011-04 § 4; Ord. 48 § 2, 1998. Code 1983 § 12-7-6.]