Chapter 7. CONDITIONAL USES

7-1 Purpose of Conditional Use Provisions.

Certain uses which may be harmonious under special conditions and in specific locations within a district but be improper under general conditions and in other locations are classed as conditional uses within the various districts and require Conditional Use Permits for approval.

7-2 Permit Required

A conditional permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this Ordinance. A Conditional Use Permit may be revoked upon failure to comply with conditions precedent to the original approval of the certificate.

7-3 Application

A Conditional Use Permit application shall be made to the building inspector as provided in this Ordinance. He shall submit the application to the planning commission, except that the planning commission may authorize the building inspector to grant or deny Conditional Use Permits, subject to such limitations or qualifications as are deemed necessary. Applications for a Conditional Use Permit shall be accompanied by maps, drawings, statements, or other documents as required by the planning commission.

7-4 Fee

The application for any Conditional Use Permit shall be accompanied by the appropriate fee as determined by the town board.

7-5 Public Hearing

No public hearing need be held; however, a hearing may be held when the building inspector or planning commission shall deem a hearing to be necessary and in the public interest.

7-6 Determination

The building inspector or planning commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this Ordinance. In authorizing any conditional use, the planning commission or building inspector shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The planning commission or

building inspector shall not authorize a Conditional Use Permit unless the evidence presented is such as to establish:

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

2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity; and,

3. That the proposed use will comply with regulations and conditions specified in this Ordinance for such use.

7-7 Appeal of Decision

Any person shall have the right to appeal the decision of the building inspector to the planning commission. Appeals from the decision of the planning commission shall be to the town board.

7-8 Inspection

Following the issuance of a Conditional Use Permit by the building inspector or the planning commission, the building inspector shall approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said Conditional Use and Building Permit.

7-9 Time Limit

1. A Conditional Use Permit for temporary uses may be issued for a maximum period of six (6) months, with renewals at the discretion of the planning commission for not more than three (3) successive periods thereafter.

2. Unless there is a substantial action under a Conditional Use Permit within a maximum period of one (1) year of its issuance, the Conditional Use Permit shall expire. The planning commission may grant a maximum extension of six (6) months, when deemed in the public interest.