

ARTICLE 3

CONDITIONAL USES

Section 3-10 1. Authorization to Grant or Deny Conditional Uses

Uses designated in this Ordinance as “Conditional Uses” shall be permitted or enlarged or altered upon recommendation by the Planning and Zoning Commission and approval by the Board of Alderpersons after a public hearing, all in accordance with the standards and procedures specified in this Article. In permitting a conditional use, the Board of Alderpersons may impose, in addition to the regulations and standards expressly specified by this Ordinance, other conditions found necessary to protect the best interest of the surrounding property or neighborhood or the municipality and its jurisdiction, as a whole. These conditions may include requirements, increasing the required lot size or yard dimensions, increasing street widths, controlling the location and number of vehicular access points to the property, increasing the number of off-street parking or loading spaces required, limiting the number of signs, limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area, and requirements under which any future enlargement or alteration of the use shall be reviewed by the Board of Alderpersons and new conditions imposed. Change in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional existing prior to the effective date of this Ordinance shall conform to all regulations pertaining to conditional uses.

Section 3-102. Application for a Conditional Use

A request for a conditional use or modification of any existing conditional use may be initiated by a property owner or his authorized agent by filing an application with the Town Secretary upon forms prescribed for the purpose. The application shall be accompanied by site plan, drawn to scale, showing the dimensions and arrangement of the proposed development, and by a fee established annually by the Board of Alderpersons to cover the cost of advertising and processing. The Planning and Zoning Commission and/or Board of Alderpersons may require other drawings or material essential to an understanding of the proposed use and its relationship to surrounding properties and if necessary require an additional fee to cover any additional costs made necessary by unusual circumstances and more than ordinary review being provided by the Town of Talty or authorized personnel.

Section 3-103. Planning and Zoning Commission Review and Recommendation

Within sixty (60) days after filing of the application, the Planning and Zoning Commission shall review the application and recommend approval, conditional approval, or disapproval to the Board

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of Alderpersons. The recommendation shall be transmitted to the Board of Alderpersons and applicant within seven (7) days.

Section 3-104. Public Hearing on a Conditional Use

A proposed conditional use shall be considered by the Board of Alderpersons at a public hearing held within forty-five (45) days after receiving the Planning and Zoning Commission's recommendation. Notice of the hearing shall be given in the following manner:

(A) Before the tenth (10) day before the hearing date, written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification, including the granting of a conditional use, shall be sent to each owner, as indicated by the most recently approved Town of Talty tax roll, of real property within five hundred (500) feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the Town, properly addressed with postage paid, in the United States mail.

(B) If the property within five hundred (500) feet of the property on which the change is proposed is located in territory annexed to the Town of Talty and is not included on the most recently approved Town of Talty tax roll, notice of the Commission's public hearing shall be given of the time and place of the hearing by publication before the fifteenth (15) day before the date of the hearing in an official newspaper or a newspaper of general circulation in the Town. Upon receipt of the final report of the Planning and Zoning Commission, the Board of Alderpersons shall conduct a public hearing on the proposed change, provided that before the fifteenth (15) day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the Town.

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Section 3-105. Recess of the Hearing

The Board of Alderpersons may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notices upon other property owners or persons who it decides may be interested in the proposed conditional use. Upon recessing for this purpose, the Board of Alderpersons shall announce the time and date when the hearing will be resumed.

Section 3-106. Action on a Conditional Use

The Board of Alderpersons may approve, conditionally, or disapprove a request for a conditional use. A file containing a written record of the action taken by the Board of Alderpersons with regard to conditional uses shall be maintained by the Town Secretary.

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Section 3-107. Notification of Action

The Town Secretary shall notify the applicant for a conditional use in writing of the Board of Alderpersons's action within seven (7) days after the decision has been rendered.

