

structure and the third by the two appraisers already selected. The decision of a majority of the appraisers shall be binding upon all parties. The cost of the appraisal process shall be borne by the property owner. (Ord. 68 §8(a)(3)(h), 1980)

ARTICLE II. STRUCTURE

17.60.110 Defined. "Nonconforming structure" means any structure which, on the effective date of the ordinance codified in this title or as the result of subsequent amendments thereto, does not comply with the provisions of this title for the district in which the nonconforming structure is located. (Ord. 68 §8(b)(1), 1980)

17.60.120 Alteration, repair, enlargement. A nonconforming structure may be altered, repaired or enlarged provided its degree of nonconformity is not increased. (Ord. 68 §8(b)(2)(a), 1980)

17.60.130 Unsafe--Restoration. A nonconforming structure found to be unsafe may be restored to a safe condition only if the cost of making the structure safe is less than forty percent of the replacement cost of the structure on the date of the determination that the structure is unsafe. The zoning administrator, chief building inspector and inspection department shall have the authority to determine if a structure is unsafe. The replacement cost shall be determined as described in Section 17.60.100. (Ord. 68 §8(b)(2)(b), 1980)

17.60.140 Damage or destruction. The right to operate and maintain a nonconforming structure shall terminate if the structure is damaged or destroyed in any manner and the cost of repairing the damage exceeds sixty percent of the replacement cost of the structure on the date of the damage. The replacement cost shall be determined as described in Section 17.60.100. (Ord. 68 §8(b)(2)(c), 1980)

Chapter 17.63

CONDITIONAL USES

Sections:

- 17.63.010 Described--Approval required.
- 17.63.020 Application.
- 17.63.030 Administrative action--Referrals.
- 17.63.040 Administrative action--Response of consulted agencies.

- 17.63.050 Administrative action--Scheduling public review.
- 17.63.060 Public review--Planning commission and council action.
- 17.63.070 Conditions.

17.63.010 Described--Approval required. Certain land uses by their very nature tend to be incompatible with other land uses in the same zoning district unless conditioned in a manner to protect abutting landowners and to preserve the character of the area. Conditional uses may only be permitted following a review by the planning commission and final approval by the town council, subject to the provisions set out in this chapter. (Ord. 85 §1(part), 1982: Ord. 68 §4 (b)(part), 1980)

17.63.020 Application. Every request for a conditional use shall be made by application filed with the zoning administrator. The application shall be accompanied by the same fee required for amendments to the official zoning map and shall be supported by documents, maps, plans and other materials concerning the following information:

A. The name and address of the owner or applicant, and a statement that the applicant, if not the owner, is authorized by the owner to make application;

B. The zoning district in which the property is located and a legal description, address or other information necessary to identify the site;

C. A description of the precise nature of the proposed use, its operating characteristics including total projected workforce and any measures proposed to make the use compatible with other properties in the area;

D. A location map, drawn to scale, showing the surrounding land uses;

E. A site plan, drawn to scale, showing the proposed development of the site including the proposed layout of buildings and other structures, off-street parking and off-street loading areas, other paved areas, driveways and roads, sign locations, outdoor lighting, utilities and drainage features. Where applicable, the site plan shall show the locations of entrances and exits and the direction of traffic flow into and out of off-street parking and off-street loading areas, and areas for turning and maneuvering motor vehicles;

F. A sketch drawing of building elevations and floor plans sufficiently detailed to show the dimensions and general appearance of the proposed buildings;

G. Where applicable, a landscape plan showing the locations of existing trees and other natural features to be retained on the site, and showing the design, location, type and size of landscaped areas, the varieties of plant

materials to be planted therein, any proposed fencing and provisions for maintenance;

H. Areas for snow storage and provisions for stormwater and snowmelt runoff drainage;

I. Plans of all grading operations to be conducted in preparing the site, including the slope gradients and heights;

J. Locations and types (i.e., state highway, town streets, etc.) of roads to be used to gain access to the proposed site, and any appropriate approvals as required by the State Highway Department;

K. A traffic impact analysis of projected trip generation for the proposed use including the type, weight and frequency of vehicular use;

L. A time schedule for development;

M. The names and addresses of all owners of land within one hundred forty feet of the outer limits of the area proposed for the conditional use. In determining the one hundred forty feet, the width of any intervening street or alley shall not be included;

N. Any additional material that the zoning administrator, planning commission or town council may require or the applicant may choose to submit pertinent to the application. (Ord. 85 §1(part), 1982: Ord. 68 §4(b) (1), 1980)

17.63.030 Administrative action--Referrals. The zoning administrator shall review the conditional use applications for correctness and completeness and shall report to the town council concerning the nature of the application and the date of filing. The zoning administrator shall refer a copy of the application to the town council for its recommendation and may refer a copy to any other agency which might be affected by the conditional use for comment. (Ord. 85 §1(part), 1982: Ord. 68 §4(b) (2), 1980)

17.63.040 Administrative action--Response of consulted agencies. The zoning administrator shall seek a timely response from agencies in regard to the conditional use application. If a response, or notification that a response will be given, is not forthcoming within thirty days from the date on which the application was sent, then the agency not responding will be considered to have no objection. (Ord. 85 §1(part), 1982: Ord. 68 §4(b) (3), 1980)

17.63.050 Administrative action--Scheduling public review. The zoning administrator shall assemble all comments, including those of the town council, and schedule the matter for a public review before the planning commission and for later consideration at a regular meeting of the town council. (Ord. 85 §1(part), 1982: Ord. 68 §4(b) (4), 1980)

17.63.060 Public review--Planning commission and council action. A. The planning commission shall hold a public review on all conditional use applications, at which all interested parties shall have an opportunity to be heard. Notice of the time and place of the public review and the nature of the conditional use shall be given by one publication in a newspaper of general circulation in the town at least fifteen days before the date of such hearing. Also, the property which is to be the subject of the hearing shall be posted for at least fifteen days prior to the public review. The posted notices shall be in number, size and location as prescribed by the zoning administrator and shall state the present zoning classification, the proposed conditional use, and the time and place of the public review on standard signs provided by the town. Notices shall be posted by a designated town official and removed by the same within fifteen days after the final public review has been held.

B. After its public review and after due deliberation, the planning commission shall certify its findings and recommendations on any proposed conditional use to the town council in writing.

C. No conditional use shall be considered by the town council until after it has been the subject of a public review before the planning commission and the commission has forwarded its findings and the recommendations to the council. The town council, acting in its legislative capacity, shall hold a public review on the application. The council shall take into consideration the findings and recommendations of the planning commission, comments of public agencies and the public in general, and any other information and material available to it. At its option, the council may request a review by any qualified professional person or by any public agency that may be interested in the proposed conditional use. No conditional use shall be put into effect unless a majority of the town council votes in favor of a resolution approving the conditional use. (Ord. 85 §1(part), 1982: Ord. 68 §4(b)(5), 1980)

17.63.070 Conditions. In permitting a conditional use, the planning commission may recommend and the town council may impose, in addition to those standards and requirements expressly specified in this title, any additional conditions which the planning commission and/or town council considers necessary to achieve the purposes of this title as set forth in Sections 17.03.030 and 17.75.010. These conditions may include but shall not be limited to the regulation of vehicular access and parking, landscaping, snow storage, the control of potential nuisances, hours of operation and the expiration date of any resolution approving a conditional use. (Ord. 85 §1(part), 1982: Ord. 68 §4(b)(6), 1980)