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PLANNING DEPARTMENT

April 16, 2020

Memorandum

To: Planning Board

From: Meredith Guns, Planning Director

Subject: Zoning Amendment – §153.355, §153.357, §153.359, §153.361 – Modify Approval Process for Permitted Uses to Administrative Approval Process

Attached is a proposed zoning amendment request to modify the process for approval of permitted uses. Staff is recommending administrative approval for permitted commercial uses. Currently, single family and duplex dwellings are permitted uses and approved administratively, by the staff in the various departments rather than reviewed through the Planning Board and Board of Commissioners.

Permitted uses, aka "use by right", are defined as a use that is considered a 'use by right' and is listed within each zoning district in the zoning ordinance. Each zoning district in the zoning ordinance will have a different list of land uses that are considered to be 'uses by right' in that particular district. A "use by right" refers to a property owner's use of property and structures in manners consistent with that which is listed as permissible in the zoning district in which his or her property is located. This means if the use is permitted in the Zoning Ordinance and the plans meets all requirements of the Town Code it cannot be denied.

These basic principles are the basis for the proposed amendment request. Staff believes that if a site plan cannot be denied because it is a permitted use that meets the Town Code that it is a burden upon the applicant to have to go through the extensive and expensive review by the Planning Board and Board of Commissioners, when the outcome is inevitable. Some of our neighbor Dare County routinely administratively approves single structure commercial development in most of their zoning districts. Duck also administrative approves permitted uses within the guidelines of the zoning districts.

Staff recommends the Planning Board review the proposed amendment to modify the approval process from permitted uses to an administrative approval and forward it to the Board of Commissioners with a favorable recommendation.

§ 153.355 SITE PLAN REQUIREMENTS.

(A) Upon submission of commercial, industrial and multi-family site plans for initial staff review, the developer shall have the site plan prepared, stamped or sealed and signed by persons duly authorized by state law. The site plan shall be submitted with tentative Health Department approval and the developer shall pay all site plan review fees as required by the adopted fee schedule. ~~Fifteen copies of the~~ The site plan shall be delivered to the Planning Director or their designee (6 physical copies and one electronic submittal) who shall distribute same to the heads of the Public Services Department, the Police Department, the Fire Department and such other town officials and departments ~~as the Board may direct~~. Each such department head and town official shall review the site plan and report any comments or recommendations in writing to the planning staff at which time the planning staff shall meet with the site plan preparer to address recommendations and comments for revision.

(B) In addition to any other requirements of the ~~Planning Board or Planning Director~~ Town Code, the commercial, industrial and multi-family site plans shall contain the following information:

(1) Proper ownership and information, including:

(a) Name, address, telephone number and consent of present recorded owner and the map book reference ~~and~~ or subdivision title of the site property and the property identification number;

(b) Boundary of the entire lot by course and distance;

(c) Width and location of the existing rights-of-way;

(d) Nature or purpose, location and size of existing easements;

(e) Iron pins, 3/8-inch in diameter and 36 inches in length shall be shown and installed at all lot corners, points of tangents and any angle point along a given course of the lot;

(f) Plan drawn to at least 1 inch = 10 feet, 1 inch = 20 feet, 1 inch = 30 feet, 1 inch = 40 feet, or 1 inch = 50 feet scale showing north arrow; and

(g) Site zoning.

(2) Existing features information, including:

(a) Streets showing the width of pavement and elevations within the boundaries of the project site;

(b) Location of all existing and proposed utilities, including propane and gasoline tanks, above and below grade;

~~(c) All proposed utilities shall be located underground; and~~

(c) ~~(d)~~ Presence or absence of wetlands.

(3) Site improvements, including:

(a) Proposed building type (masonry, metal or wood) and number of floors and dimensions;

(b) Proposed building plan elevations and floor plan;

(c) Location and type of all sidewalks and curbs within the site;

(d) Location of sanitary sewer facilities with connection to sewer system or septic tank;

(e) Locations of signs;

(f) Layout and number of parking spaces shown in accordance with this chapter;

(g) Outdoor lighting plan, security lights and NCDOT approved lights;

(h) Existing and finished grades shown for the entire site;

(i) Dumpster pad locations;

(j) A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre;

(k) Uniform street address;

(l) Landscaping plan;

(m) Lot coverage;

(n) Inventory of significant natural features or vegetated areas affecting the site;

(o) N.F.I.P. Flood Zone;

(p) Boundaries of all AECs; and

(q) Sedimentation and erosion control plan.

(r) All proposed utilities including propane and gasoline tanks, above and below grade

(4) Right-of-way improvements shall be made in accordance with the Town Code. ~~duly adopted written policy, as amended from time to time by the Board of Commissioners, which is on file with the Town Clerk.~~

(5) Stormwater management plan and calculations as specified in § 153.070.

(6) In addition to the building permit, a permit for any construction within the public right-of-way shall be obtained prior to commencing any work.

(7) Inspections of sites involving public rights-of-way and inspections of any on-site construction shall be made by the town.

(C) Upon submission of a new structure, moved structure or addition to single-family or duplex dwelling site plans for initial staff review prior to any inspections, the applicant shall have the site plan/building plan prepared, sealed and signed by persons duly authorized by state law as necessary and a survey sealed and signed by a North Carolina licensed surveyor locating the house and all appurtenances on the lot. The site plan shall be submitted with Health Department permits, consent of present recorded owner, and the applicant shall pay all site plan review fees as required by the adopted fee schedule. Two copies of the site building plan stamped by the health department shall be delivered to the Planning Department, ~~who~~ which shall distribute to the heads of the Public Services Department and such other town officials and departments as may be appropriate.

(D) In addition to any other requirements of the ~~Planning Department~~Town Code, the new structures, moved structures ~~and~~ or additions to single-family or duplex dwelling site plans shall contain the following information:

(1) Survey information:

(a) Owner(s);

(b) Lot number(s), block, subdivision;

(c) PIN number and parcel number;

(d) Zoning district;

(e) Flood zone (ground elevation and first floor elevations);

(f) Street address;

(g) Lot square footage;

(h) Lot coverage calculations;

(i) Setbacks;

(j) Areas of environmental concern;

(k) Building footprint;

(l) Covered decks;

(m) Open decks;

(n) Pools, hot tubs, accessory structures;

(o) Paved/maintained street;

(p) Water tap location;

(q) Septic tank and drainfield location;

(r) Required parking clearly drawn;

(s) Driveways, sidewalks and patios.

(2) Building plans minimum requirements:

(a) Heated square footage;

(b) Unheated square footage;

(c) Building height;

(d) Floor plans;

(e) Number of bedrooms;

(f) Elevations;

(g) Foundation plan.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 04-03, passed 3-24-04; Am. Ord. 14-26, passed 2-9-15)

§ 153.356 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

Dimensional requirements and development standards shall be in accordance with the zoning district in which the building is located. For new construction, substantial improvements or substantial damage, a development utilizing more than one lot shall be recombined in accordance with § 152.59 Recording of Exempt Plats or the lots shall be encumbered by legal agreement approved by the town for the duration of the development on the lots.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 15-8, passed 9-21-15; Am. Ord. 15-14, passed 4-11-16)

§ 153.357 SITE PLAN REVIEW PROCESS FOR ~~COMMERCIAL, MULTI-FAMILY AND~~ CONDITIONAL USE APPLICATIONS.

(A) Prior to preparing a site plan, the preparer should obtain a site plan requirements list from the Planning Department. This check list covers most items required on site plans, and the site plan preparer should address all items on the list before submitting a site plan. Applicants are encouraged to review their particular cases with the staff in a sketch plan meeting prior to submission of formal application. A sketch plan review by the Planning Board may be recommended.

(B) (1) On or before the third Tuesday of the month prior to Planning Board review, site plan preparer submits the following to the Planning Department staff:

(a) ~~(a)~~ ~~Fifteen~~ Six copies of the site plan, all items on checklist addressed and an engineer's seal on the plan;

(b) Letter of tentative Health Department approval, from the local or state agency having jurisdiction;

(c) Site plan review fee.

(2) The application is then circulated to the appropriate town departments for staff review l.

(C) Staff comments I due to Planning Department on Monday following receipt of plans.

(D) On the fourth Tuesday of the month, the site plan preparer meets with the planning staff for a preliminary review of the site plan. This meeting will include discussion of recommendations from the town departments.

(E) On the first Tuesday of the following month, the site plan preparer submits ~~15~~ 11 copies of the site plan, revised to address issues raised by the staff at the preliminary site plan review meeting.

(F) On the following Wednesday, staff review II begins.

(G) On the following Monday, staff comments II are due to the Planning Department.

(H) On the second Friday of the month, Planning Board packets will be ready. Copies of the Planning Department staff comments to the Planning Board will be available to site plan preparers. Comments can be obtained after 1:00 p.m. Friday at the Planning Department.

(I) On the third Tuesday of the month, the Planning Board will review the site plan. They will make recommendations to the Board of Commissioners such as: approval as submitted, approval with conditions, disapproval or that the plan be tabled to allow the preparer to address the Planning Board's concerns. In the event that the plan is tabled by the Planning Board, the tabling motion shall expire two years from the date of the tabling motion. ~~Such~~ After the two-year expiration, plans shall be reconsidered only after the applicant:

(1) Pays the full site plan review fee; and

(2) Resubmits the plan through the prescribed site plan approval process as specified in this chapter.

(J) If the Planning Board forwards the plan to the Board of Commissioners, the site plan preparer must submit ~~15~~ 11 copies of the site plan, addressing any and all conditions, to the Planning Department by the fourth Tuesday of the month in order to be considered at the Board of Commissioners' regular meeting the next month.

(K) On the first Monday of the following month, staff comments and revised site plan will be sent to the Administration Department by 5:00 p.m.

(L) After 1:00 p.m. on the Friday before the Board of Commissioners meeting, copies of staff comments can be obtained at the Administration Department.

(M) The Board of Commissioners will review site plans on the second Monday of the month. At that time the Board of Commissioners will approve, conditionally approve, disapprove or table the proposed project.

(N) Once a site plan has the Board of Commissioners' approval, the Building Inspector may issue a building permit during the next 365 days, provided that all other requirements of this chapter and other applicable town ordinances are met. If a building permit is not secured within 365 days from final approval of the site plan, the site plan

approval expires and the applicant must resubmit the site plan for review by the Planning Board and the Board of Commissioners. In the event the applicant certifies to the Planning Director that there have been no intervening ordinance or regulatory changes affecting siting and use and there is no significant change in the site plan design, then the Planning Director may certify such conditions. Upon such certification, the Planning Director may give the applicant 90 days in which to secure a building permit. In the event no building permit is secured within the 90-day period, the site plan approval extension shall expire and the site plan must be resubmitted through the prescribed site plan approval process as specified in this chapter.

~~(O) Rejected site plans may be resubmitted in accordance with this chapter when redrafted to meet the specifications of this chapter and upon payment of the required fees.~~

(Ord. 91-08, passed 11-18-91; Am. Ord. 92-06, passed 5-11-92; Am. Ord. 93-01, passed 2-8-93; Am. Ord. 97-16, passed 1-28-98; Am. Ord. 01-02, passed 2-28-01)

§ 153.358 ACTION BY PLANNING BOARD AND BOARD OF COMMISSIONERS.

(A) The Planning Board shall review site plans. Upon completion of the review, the Planning Board may recommend approval, recommend approval with specific requirements and conditions, table for further study or additional information, or recommend disapproval. The Planning Board's recommendation shall be transmitted to the Board of Commissioners. The Board of Commissioners shall review site plans after the review and recommendation by the Planning Board. They may approve, approve with specific requirements and conditions, table for further study or additional information, return to the Planning Board for further study or review, or disapprove any site plan. A rejected site plan may be resubmitted in accordance with this chapter when redrafted to meet the specifications of this chapter and upon payment of the required fees.

(B) Tentative approval of a tri-party agreement for Wastewater Treatment or Health Department tentative approval shall be included with submission of the site plan. A final, recordable copy of the tri-party agreement shall be presented by the developer prior to the issuance of a building permit or presentation of a valid wastewater disposal permit.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 04-13, passed 9-13-04)

§ 153.359 ~~CHANGES IN PLAN BY OWNER OR DEVELOPER~~Administrative Approval.

If following the conditional or final approval, the owner or developer desires to make a change to the structure, associated site features or use, the change must be reviewed by the Planning Board in accordance with the provisions of this chapter and approved by the Board of Commissioners or meet the following criteria for administrative approvals:

(A) *Administrative approval for non-conforming structures and uses.*

(1) Non-conforming single-family and duplex dwellings. Administrative approval may be authorized for remodel, reconstruction/repair or additions where additional non-conformities are not created.

(2) Non-conforming commercial and institutional structure:

(a) Administrative approval may be authorized for remodel, change of use, reconstruction/repair (no change to total dimensions) within the existing footprint of the structure in accordance with § 153.053.

(b) Administrative approval may be authorized for additions which will not create or increase any nonconformity in accordance with § 153.053 as follows:

1. Additions to site features not exceeding 50% of the existing site feature, less than six inches above finished grade, may be granted if the addition meets all the requirements of this chapter.

2. Additions greater than six inches above finished grade may be granted if additions do not exceed 500 square feet of gross floor area and meet all the requirements of this chapter.

(c) Administrative approval may be authorized for outdoor waiting activity areas provided that it will not create or increase any nonconformity in accordance with § 153.053 and meets the following conditions:

1. Outdoor waiting activity area(s) shall be accessory to restaurant use only, not including drive-in restaurants.

2. Outdoor waiting activity area(s) shall have no scheduled events or activities before 7:00 a.m. nor after 11:00 p.m. on any day. There will be no music or games between 11:00 p.m. and 7:00 a.m.

3. No cooking or serving utilities including grills, bars or drink dispensers shall be permitted. All such cooking and serving utilities shall be contained within the principal building.

4. Lighting and sound (including music or noise) must comply with the Town Code. Signage shall comply with the Town Code, including signs on umbrellas.

5. The area must be kept clean of litter and maintained in a safe and sanitary condition.

6. Appropriate waste receptacles with affixed lids shall be provided.

7. On sides not adjoining the principal structure the area designated as outdoor waiting activity area(s) shall be bordered by a minimum four foot high fence, with the exception of elevated, covered decks for which fencing requirements are already in place, and shall be buffered with landscaping as set forth in § 153.073(F)(2)(b).

8. Outdoor waiting activity area(s) may not be roofed or shaded in any way other than standard table umbrellas. Erection of a tent subject to a special use or event permit from the town is not prohibited.

9. Outdoor waiting activity area(s) shall comply with minimum parking requirements for the primary structure as set in § 153.076.

(d) Changes in plan not meeting division (A)(2)(a), (b) or (c) above must follow the site plan review process in this chapter.

(B) *Administrative approval for conforming structures.*

(1) Administrative approval for new single family, duplex, commercial, multi-family and institutional permitted uses per this chapter.
a) Site plan must be submitted in accordance with §153.355 and §153.356 of this chapter.

(~~1~~2) Administrative approval may be authorized for remodel, change of use, reconstruction/repair ~~(no change to total dimensions)~~ within the existing footprint of the structure (no change to total dimensions).

~~(2) Administrative approval may be authorized for additions to commercial and institutional structures as follows:~~

~~(a) Additions less than six inches above finished grade may be granted if the addition meets all the requirements of this chapter.~~

~~(b) Additions greater than six inches above finished grade may be granted if additions do not exceed 500 square feet of gross floor area and meet all the requirements of this chapter.~~

(c) Outdoor waiting activity area subject to the following:

1. Outdoor waiting activity area(s) shall be accessory to restaurant use. This section shall not apply to drive-in restaurants.

2. Outdoor waiting activity area(s) shall have no scheduled events or activities before 7:00 a.m. nor after 11:00 p.m. on any day. There will be no music or games between 11:00 p.m. and 7:00 a.m.

3. No cooking or serving utilities including grills, bars or drink dispensers shall be permitted. All such cooking and serving utilities shall be contained within the principal building.

4. Lighting and sound (including music or noise) must comply with the Town Code. Signage shall comply with the Town Code, including signs on umbrellas.

5. The area must be kept clean of litter and maintained in a safe and sanitary condition.

6. Appropriate waste receptacles with affixed lids shall be provided.

7. On sides not adjoining the principal structure the area designated as outdoor waiting activity area(s) shall be bordered by minimum four foot fence, with the exception of elevated, covered decks for which fencing requirements are already in place, and shall be buffered with landscaping as set forth in § 153.073(F)(2)(b).

8. Outdoor waiting activity area(s) may not be roofed or shaded in any way other than standard table umbrellas. Erection of a tent subject to a special use or event permit from the town is not prohibited.

9. Outdoor waiting activity area(s) shall comply with minimum parking requirements for the primary structure as set forth in § 153.076.

(C) State of emergency approvals.

(1) When a state of emergency is declared by the Mayor, permits for all reconstruction/repair to damaged commercial industrial and institutional sites may be administratively approved subject to the following conditions:

(a) The repair will not make the property more nonconforming than prior to the damage.

(b) The reconstruction/repairs are in the same footprint and same dimensions as prior to the damage.

(c) The damage is less than 50% of the structure valuation prior to the damage.

(2) If these conditions (items (a) to (c), above) cannot be met, the Planning Board and Board of Commissioners shall review the application subject to ~~regulations~~ provisions in § 153.357.

(D) Administrative approval procedures.

(1) All plans for new single family, duplex, commercial, multi-family and institutional permitted uses per this chapter, remodel, change of use, reconstruction/repair and additions shall meet regulations outlined in § 153.355, including the following minimum requirements:

(a) Current survey and site plan (seven copies for commercial) with proposed changes drawn to scale sealed by a North Carolina licensed surveyor, engineer, or architect;

(b) Written health department approval for improvements;

(c) Changes to floor plan and building elevations when applicable;

(d) Applicable review fees paid.

(2) Commercial plans will be reviewed by:

(a) The Public Services Department;

(b) The Police Department;

(c) The Fire Department;

(d) Other departments or agencies, if applicable.

(3) All staff and departmental conditions shall be addressed prior to issuance of a building permit.

(4) The Planning Director or his designee will provide written approval to the building inspector prior to issuance of a building permit.

(5) The administrative approval time frame shall be approximately ten-twenty business days if all requirements are met (depending on complexity of project).

(6) Other projects not meeting the regulations of this section will be subject to § 153.357.

(7) If administrative approval is denied, the application shall be reviewed by the Planning Board and Board of Commissioners subject to ~~regulations~~ provisions in § 153.357.

(E) *Administrative approval for conforming conditional use site plans.* Additions to site features, not exceeding 50% of the existing site feature, less than six inches above finished grade may be granted if the addition meets all the requirements of this chapter.

(Ord. 92-03, passed 1-22-92; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 03-17, passed 12-8-03; Am. Ord. 07-18, passed 10-24-07; Am. Ord. 11-11, passed 6-13-11; Am. Ord. 13-16, passed 10-14-13; Am. Ord. 14-04, passed 3-10-14)

§ 153.360 VESTING OF RIGHTS.

Rights granted in accordance with the provisions of this chapter shall vest for a period of two years only upon site plan approval by the Board of Commissioners. This provision is not intended to extend or reduce any time requirements set forth in the North Carolina General Statutes (G.S. § 160A-385(b)(5)), North Carolina Building Code, the Ttown Ccode or any other governmental regulation applicable to the project for which the site plan approval is granted.

(Ord. 98-04, passed 6-22-98; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 01-04, passed 6-27-01; Am. Ord. 02-14, passed 7-24-02)

§ 153.361 PERMIT APPLICATIONS FOR PERMITTED USES.

(A) *Single-family detached and duplex residential dwellings:.*

(1) All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon. The application shall include such other information as may be required by the laws of the United States, the state, the county or this chapter, including:

(a) Existing or proposed buildings or alterations;

(b) Existing or proposed uses of the building and land;

(c) The number of families, housekeeping units or rental units the building is designed to accommodate;

(d) Conditions existing on the lot; and

(e) Any other matters which may be necessary to determine conformance with, and provide for, the enforcement of this chapter. Any application and supporting

materials may be submitted by the official administering this chapter to the various department supervisors of the town, and those department supervisors shall respond to the submitting official prior to the expiration of the building permit letting period.

(2) One copy of the plans shall be returned to the applicant by the Building Inspector, after the Building Inspector and the Zoning Administrator have marked the copy either as approved or disapproved and attested to the same by their signatures on such copy. The second copy of the plans, similarly marked, shall be retained by the Inspections Department.

(Ord. 91-08, passed 11-18-91)

(B) *Multi-family, group development projects, group housing projects and commercial buildings; generally.*

(1) Site plans for the uses listed in this section, when listed as permitted uses within a district, must be ~~approved by the Planning Board in accordance with the provisions of this chapter and approved by the Board of Commissioners~~ administratively approved in accordance with §153.355-§153.356 and §153.359, including:

(a) Multi-family residential dwelling containing three or more dwelling units;

(b) Group development projects consisting of two or more principal buildings devoted to a common or similar use and constructed on a single lot where permitted in the specified districts established by this chapter;

(c) Apartment buildings;

(d) Condominiums;

(e) Townhouses;

(f) Hotels, motels or motor lodges;

(g) Business, commercial or industrial buildings;

(h) Recreation or entertainment parks, centers or structures and night clubs;

(i) Docks, piers, marinas and all over-the-water structures except private over-the-water piers, boathouses and bulkheads accessory to a single- or two-family private dwelling; and

(j) All other uses except single-family detached and duplex residential dwellings.

(Ord. 92-03, passed 1-22-92)

(C) *Phasing.* Phased projects are considered an unusual circumstance and shall be approved only if deemed in the best interest of the town. Phased approval shall be valid for a period at least two years from the date of approval by the Board of Commissioners. All existing phased projects approval shall be null and void two years from the date of approval of this section. Those projects with a specific expiration date are exempt.

(Ord. 91-08, passed 11-18-91)

(Am. Ord. 01-02, passed 2-28-01)

§ 153.362 PERMIT APPLICATIONS FOR CONDITIONAL USES.

(A) *Submission.* Submission of a site plan for conditional use shall be subject to those requirements outlined in §§ 153.355 through 153.358. The application shall indicate the section of this chapter under which a permit is being sought and shall contain the information required by the appropriate section and such other information as may be required to insure compliance with this chapter.

(B) *Prerequisite filings.*

(1) Prior to the consideration of an item by the Planning Board and the placing of a site plan upon the agenda of the Planning Board for consideration, all town department reports and recommendations shall be filed with the Planning Director.

(2) All evidence of applications and all supplementary, nonlocal permits and approvals necessary for the particular project shall be filed with the Planning Director.

(3) On any site containing more than ½ acre, the necessary land disturbing permit shall have been secured, and the plans approved commensurate with local ordinances shall be filed as a part of the application.

(4) If there is any change in the office of the Planning Department, such items shall be filed with the appropriate municipal official prior to the matter being considered and placed on the agenda of the Planning Board.

(C) *Review.* The Planning Board shall review the application for a conditional use permit or other permits submitted in accordance with this procedure and shall refer the application to the department heads and the town officials referred to in § 153.355 for their review. These department heads and town officials designated by the Board of Commissioners shall submit their recommendation in writing to the Planning Board. The Planning Board shall review all recommendations as well as the application for a conditional use permit and shall submit its recommendation as to approval or disapproval along with such conditions as it may deem necessary to the Board of Commissioners.

(D) *Public hearing and required findings.*

(1) When it is deemed desirable by the Planning Board or the Board of Commissioners, a public hearing may be held. Notice shall be given at least 15 days in advance of such public hearing. The owner of the property for which the conditional use is sought or his agent shall be notified by mail. Notice of the hearing shall be posted on such property for at least ten days prior to the public hearing. The cost of giving any such notice shall be paid by the applicant to the Planning Board prior to the Planning Board meeting at which the application is reviewed.

(2) Any party may appear in person, or by agent or attorney.

(3) Before the Board of Commissioners may grant any conditional use permit, the Board shall make affirmative findings that:

(a) The applicant has met the requirements of this chapter and any other applicable ordinances and state law;

(b) The use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted;

(c) The use, as proposed, will not overburden the firefighting capabilities and the municipal water supply capacity of the town as such facilities and capabilities will exist on the completion date of the conditional use for which application is made.

(E) *Granting conditional use permits.* In granting any conditional use permit, the Board of Commissioners may prescribe appropriate conditions and safeguards, including time and deed limitations imposed in conformity with this chapter. Violation of those conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be considered a violation of this chapter and will be punishable under § 10.99. The Board of Commissioners may prescribe a time limit within which the action for which the conditional use permit is required shall be begun or completed. Failure to comply within the time limit set shall void the conditional use permit.

(F) *Approval of conditional use permits.* The Board of Commissioners may approve permits for conditional uses in the zoning districts where such conditional uses are specified by this chapter. Where additional permits are required for group development projects in districts where such development may be allowed, those applications for such permits shall also be processed under the procedures of the subchapter. The Board of Commissioners may impose such reasonable and appropriate conditions and safeguards upon these conditional use permits as to insure that the spirit and intent of this chapter is preserved and that such conditional use will not adversely affect the public interest.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 03-17, passed 12-8-03) Penalty, see § 10.99