

Section _____ . SPECIAL USE PERMITS AND SPECIAL REVIEW.

(a) Special Use Permits.

(1) Special Use. A special use is defined as any use of land or property found to be essential to the land or property and not fundamentally incompatible with the original zoning requirements.

(2) All requests for change of zone and permits in districts which involve uses listed as a Special Use in Section _____ shall be referred to the Town Clerk.

(3) The Clerk shall collect a fee established by resolution of the Governing Body of the Town of Alpine to cover the cost of advertising and the mailing of announcements regarding pending special use permit and change of zone applications to all property owners within three hundred (300) feet of the site for which the special use permit or change of zone is requested.

(4) Applicants shall supply suitable plans and information concerning the location, function and characteristics of any use proposed to the Town Clerk and Planning and Zoning Board prior to the scheduling of any hearing. The Town Clerk shall evaluate the proposed use and submit preliminary recommendations to the Planning and Zoning Board.

(5) The Town Clerk shall evaluate all requests for special use permits and shall either disapprove it or approve the application and submit it to the Planning and Zoning Board unless he finds:

(i) There is inadequate information upon which to evaluate the request;

(ii) The applicant requests a deferral; or

(iii) The applicant withdraws the application.

(6) The Town Clerk and Planning and Zoning Board, after receiving recommendations from the Planning and Zoning Board, may authorize the Building Inspector to issue a "Special Use Permit." Conditions may be attached to the permit to assure compliance with the intent and purposes of this ordinance and further the public welfare.

(b) Special Review. Applications for uses which call for special review shall be submitted to the Town Clerk and shall be subject to the following process:

(1) The Town Clerk shall collect a fee, in an amount established by resolution of the Governing Body, upon the filing of the application to cover the cost of advertising and mailing or hearing announcements to all property owners within three hundred (300) feet of the site for which the special review permit is requested. The Town Clerk will notify all such owners by regular mail that a special review application has been filed and give a brief summary or explanation of the application and its location and indicate that they

may review the application during the Town Clerk's regular office hours. Such written notice shall also alert said owners to the fact that a public hearing will be held before the Planning Board at a date, time and place specified in the notice. The public hearing will be open to all persons and will be arranged by the Town Clerk. The Town Clerk shall also publish said notice once in a newspaper published within the Town at least fifteen (15) days prior to the scheduled hearing.

(2) Applicants shall supply suitable plans and information concerning the location, function and characteristics of any use proposed to the Town Clerk prior to the scheduling of any hearing. The Town Clerk shall evaluate the proposed use and submit recommendations to the Planning Board.

(3) The application must be approved first by the Town Clerk, who shall, upon approval, submit it to the Planning Board for review.

(4) The Planning Board shall hold a public hearing and shall within fifteen (15) days of said hearing, either approve the application, in whole or in part, with or without modifications or conditions, or disapprove the application, or refer it to the Governing Body with comments, for its decision. The decision of the Planning Board shall consist of a written report setting forth conclusions and findings of fact related to the specific proposal and shall set forth with specificity in what respects the use or development is or is not consistent with the standards and criteria set forth in Section ----- . It may contain conditions, limitations or amendments to the development plan to assure that the development is integrated into it surrounds and serves the public interest to the greatest extent possible. A copy of such report shall be furnished to the applicant without delay and additional copies shall be made available at the Town Clerk's office for other interested persons.

(5) In addition to those uses or area developments referred to it, the Governing Body may call up for review any proposed special review which has been acted upon by the Planning Board within fifteen (15) days of its action. After giving notice the Governing Body shall hold a public hearing. It shall, within thirty (30) days of the public hearing or within such time as is mutually agreed by the Governing Body and the applicant either grant the application, in whole or in part, with or without modifications and conditions, or deny the application. The decision of the Governing Body shall consist of a written report setting forth conclusions and findings of fact relate to the specific proposal and shall set forth with specificity in what respects the special review use is or is not consistent with the standards and criteria of Section _____. A copy of such report shall be furnished to the applicant without delay and additional copies shall be made available at the Planning Board office for other interested persons.

(6) All approved plans or site plans for such development, including modifications and conditions, shall be endorsed by the approving agency and, if necessary, made a permanent part of the Zoning Map. For purposes of the Title, the approving agency means either the Planning Board or the Governing Body, whichever finally approves the application.

(7) **General criteria, conditions and modifications.** No special review application shall be approved unless the Governing Body finds that the application (1) complies with all requirements imposed by this title and the Planning Board; (2) is consistent with the objectives and purposes of this Zoning Ordinance; (3) is designed to be compatible with surrounding land uses; and (4) is designed to be compatible with the physical features of the site upon which the development is proposed.

(8) In considering an application for a cluster development or innerblock development, the approving body may impose modifications or conditions concerning the following development features to the extent that such modifications or conditions are necessary to insure compliance with criteria in the preceding subsection:

- (i) size and location of site;
- (ii) street and road capacities in the area;
- (iii) ingress and egress to adjoining public streets;
- (iv) location and amount of off-street parking;
- (v) internal traffic circulation system;
- (vi) fencing, screening and landscaped separations;
- (vii) building bulk and location;
- (viii) usable open space;
- (ix) signs and lighting;
- (x) noise, vibration, air pollution, and other environmental influences;
- (xi) setback, yard, and area requirements.

(9) No approved development may be modified, structurally enlarged, or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to original approval of the development.

(10) No increase beyond the number of dwelling units specified in the zone in which the site exists, shall be allowed.

Section CLASSIFICATION OF NEW AND UNLISTED USES.

Should the Town Clerk determine that a type or form of land use which an applicant is seeking to locate in the permitted or conditional use, he shall refer the request to the Planning Board. The

Planning Board shall determine the appropriate classification of the new or unlisted use as follows:

- (a) Should the Planning Board determine that the new or unlisted use for all intents and purposes, is listed under another name or category, it shall so inform the Town Clerk to proceed accordingly; or
- (b) The Planning Board shall consider all facts concerning the nature of the use, type of activities to be conducted, the amount of noise, odor, fumes, dust, toxic material, vibration, and traffic likely to be generated, and the general impact on public utilities.
- (c) It shall meet with interested parties to consider the compatibility of the proposed use with the uses permitted in the various districts and determine the zoning district or districts, if any, within which such use shall be allowed as permitted or special use.
- (d) The Planning Board shall transmit its findings and recommendations to the Governing Body. The Governing Body shall make such determination concerning the classification of such use as is determined appropriate, including amendments to the zoning ordinance.