

Article 11 Permits

Section 11-1 Permits Required

No person shall undertake any development activity or use of land that is subject to this ordinance without a permit.

Section 11-2 General Requirements

- (A) All applications for permits shall be submitted by the owner of the property or his authorized agent. The administrator may require reasonable proof of ownership from any person submitting an application.
- (B) An application for any permit shall be submitted in such form, number of copies and format as prescribed in this ordinance.
- (C) The administrator may wave submission of required elements of information when in his opinion such information is otherwise available or is not necessary. He may return any application that is not complete.
- (D) All applications for permits shall be submitted, reviewed and processed in accordance with the requirements specified in this ordinance.
- (E) A copy of required permits, along with any plans submitted, shall be returned to the applicant after the review process marked approved or disapproved. A similarly marked copy shall be retained in the town hall.
- (F) Any permit issued shall expire unless the work as approved on the application begins within one year from the date of issue. Written notice shall be given by the administrator.

Section 11-3 Zoning Permit and Certificate of Occupancy

- (A) No building, sign, or other structure shall be erected, moved, extended, enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be started until a zoning permit has been issued by the administrator. When the administrator is satisfied that work has been completed in accordance with all provisions of this ordinance, a certificate of occupancy shall be issued.

- (B) No temporary utilities shall be connected until a building permit is issued. No permanent utilities shall be connected until a certificate of occupancy is issued.
- (C) An application for a zoning permit and a certificate of occupancy shall be filed simultaneously with the zoning administrator on a form provided by the administrator.
- (D) Each application may be accompanied by a plan in duplicate. One copy shall be returned to the owner upon approval. The administrator may waive the required submission of this plan if he determines that such information is not necessary to issue a zoning permit or certificate of occupancy. When required the plan shall comply with Appendix A.
- (F) If the use is listed in the table of permitted uses and complies with all the development standards in this ordinance, the administrator shall issue a zoning permit. However, if the administrator determines the use:
 - (1) is not a permitted use in a particular district, the applicant may appeal his interpretation to the Board of Adjustment or seek a zoning amendment from the Town Board; or
 - (2) cannot comply with all dimensional requirements the applicant may appeal to the Board of Adjustment for a variance; or
 - (3) is indicated in the table of uses by districts as a conditional use it shall be submitted to the Board of Adjustment for action.

Section 12-4 Conditional-Use Permit

- (A) The development and execution of this ordinance is based upon the division of the planning area into districts where the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for that use in that particular location.

- (B) Those uses listed in Article 4 as permitted uses, subject to a conditional use permit may be established in that district only after the issuance of an approved conditional use permit.
- (C) Applications for a permit approval shall be addressed to the Town Board and presented to the administrator. Each application shall contain or be accompanied by a site plan, if required.
- (D) When the administrator receives a completed application he shall seek comments from town officials or other appropriate agencies or officials to determine if it conforms to requirements of this ordinance as well as other municipal requirements.
- (E) Their written comments along with the application shall be submitted to the Town Board by the administrator.
- (F) The Town Board shall set a date for a public hearing. At the hearing the Board shall review the application and comments from the administrator or other appropriate agencies, hear testimony and examine exhibits pertaining to the application.
- (G) No conditional use permit shall be approved unless each of the following findings is made concerning the proposed conditional use:
 - (1) is listed among the conditional uses in the district for which application is made;
 - (2) is essential or desirable to the public convenience or welfare;
 - (3) will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare;
 - (4) will minimize any negative impacts on the transportation system, schools, recreational areas, and the natural resources of the community;
 - (4) will be adequately served by utilities, access roads, drainage, sanitation, and/or other necessary facilities; and
 - (5) will have ingress and egress designed to minimize traffic congestion in the public streets.
- (H) At the conclusion of the public hearing, the Board shall approve, approve with conditions, or disapprove the application.

- (I) In approving a conditional use permit the Board may impose such reasonable and appropriate conditions as it may deem necessary in order that the purpose and intent of this ordinance is served.
- (J) When the application has been denied, or withdrawn after the public notice has been published , the administrator shall not accept the same application for at least 12 months. The administrator may accept an application if (1) the circumstances affecting the property have substantially changed; (2) the application has changed in some substantial way; and (3) new information is available which could not with reasonable diligence have been presented at the previous public hearing.
- (K) The administrator shall notify the applicant of the Board's decision in writing and shall file a copy in the town hall. If the permit is approved with conditions, the administrator shall issue a permit in accordance with the action of the board. The conditional use permit shall run with the land and shall be binding on the original applicant as well as all successors, assigns and heirs.
- (L) Granting a conditional-use permit does not exempt applicants from complying with other requirements of this ordinance. In any case where the conditions of a permit have not been or are not being met, the administrator shall give the grantee notice of intention to revoke approval. Said notice shall be given at least 10 days prior to any action by the Board.

Section 12-5 Boards Action on Conditional Use Permits

If the Board application is complete and complies with all the applicable requirements of this ordinance, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in 12-4 (G) above. Voting shall proceed as prescribed for the normal operation of the Town Board (*majority vote, not the 4/5th requirements for the Board of Adjustment*).

