

Chapter 10
CONDITIONAL USES

Sections:

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Section 22-10-1 PURPOSE. To allow proper integration into the Town of Alta of uses which may be suitable only in certain locations in the Town or Zoning District, or only if such uses are designed or laid out on the site in a particular manner.

Section 22-10-2 CONDITIONAL USE PERMIT. A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this Title. A conditional use permit may be revoked upon failure in compliance with conditions precedent to the original approval of the permit.

1. APPLICATION. Application for a Conditional Use Permit shall be made by the owner of the property or certified agent thereof and shall be submitted to the Planning Commission through the Town Clerk.
2. ACCOMPANYING DOCUMENTS. Two, (2), complete sets of documents shall be submitted with the application for a Conditional Use Permit. These documents will be of a size, nature, and scale to completely describe both the physical characteristics and the intended use of the proposed project. In general, the following documents will be required at a minimum:
 - a. Site plans showing both existing and proposed new structures, streets, roads, walks, parking, grading, drainage, utilities, landscaping, revegetation, erosion control, signs, snow removal and storage, known avalanche paths and other natural hazards, access for both public and emergency vehicles, accessory buildings, and other pertinent information.
 - b. Site sections showing sight lines from appropriate adjacent properties and structures.
 - c. Building floor and other plans, elevations, sections, and details of sufficient nature, size, and scale to fully describe all proposed buildings.
 - d. Such other documents as may be necessary or appropriate to allow the Planning Commission to arrive at a decision.
 - e. If in the opinion of the Chairman of the Planning Commission, or his designated representative, the documents submitted are insufficient to allow the Planning Commission to reach a decision, he may at his discretion require additional documents and/or data beyond those described above.

3. FEES. Fees for Conditional Use Permits shall be as defined in Title 9 of the Code of Revised Ordinances of Alta.

4. PUBLIC HEARING. No public hearing need be held; however, a hearing may be held when the Planning Commission shall deem such a hearing to be necessary and in the public interest. Such hearing, if deemed necessary, shall be held within fifteen, (15), days from the date of the application. The particular time and place shall be determined by the Chairman of the Planning Commission. The Chairman of the Planning Commission shall require the Town Clerk to post a notice of the hearing in three, (3), conspicuous places in the Town not less than ten, (10), calendar days prior to the date of such hearing. Failure of property owners to receive notice of said hearing shall in no way affect the validity of any action taken.

5. DETERMINATION. The Planning Commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this Title. In authorizing any conditional use the Planning Commission shall impose such requirements and conditions as required by law and any additional conditions as may be necessary for the protection of adjacent properties and the public welfare. The Planning Commission shall not authorize a conditional use permit unless the evidence presented is such as to establish:

- a. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and the community; and,
- b. that such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and,
- c. that the proposed use will comply with regulations and conditions specified in this Title for such use; and,
- d. that the proposed use will conform with the intent of the Town of Alta Master Plan.

6. APPEALS OF DECISION. Any person shall have the right to appeal to the Land Use Appeal Authority any decision rendered by the Planning Commission by filing, in writing and in triplicate, the reasons for said appeal with said Board within ten, (10), days following the date on which the decision from which appeal is being taken is made by the Planning Commission.

- a. NOTIFICATION OF PLANNING COMMISSION. The Town Council shall notify the Planning Commission of the date of said review in writing at least seven, (7)

days preceding the date set for said hearing so that the Planning Commission may prepare the record for said hearing.

b. DETERMINATION OF THE LAND USE APPEAL AUTHORITY. The Land Use Appeal Authority after proper review of the decision of the Planning Commission may affirm, reverse, alter, or remand for further review and consideration any action taken by said Planning Commission and shall make such decision within thirty, (30), days of the hearing of the appeal.

7. INSPECTION. Following the issuance of a conditional use permit by the Planning Commission, the Building Official may approve an application for a building permit subject to the applicant having met all imposed conditions and restrictions and pursuant to Chapter 3 of this Title and shall insure that development is undertaken and completed in compliance with said permits.

8. TIME LIMIT. Unless there is substantial action under a conditional use permit within a maximum period of one, (1), year from the date of its issuance, the conditional use permit shall expire. The Planning Commission may grant a maximum extension of six, (6), months under exceptional circumstances.

Section 22-10-3 SALE OF ALCOHOLIC BEVERAGES - SPECIAL PROVISIONS.

1. The Town Council may authorize the issuance of a permit to sell alcoholic beverages.
2. All licenses for the sale of alcoholic beverages are subject to an annual review and all applications for a license for the sale of liquor or beer must be accompanied by a fee as defined in Title 9 of the Code of Revised Ordinances of Alta.
3. The denial of any permit to dispense alcoholic beverages by the Town Council is subject to review by the District Courts. All appeals of decisions of the Town Council to the District Courts must be filed with the appropriate body within thirty, (30), days from the date of the Town Council action.