

Ordinance No. 2026-10 Amending Fairfield Code §§154.180 through 154.188, Relating to Conditional Use Permit Procedures and Standards.

Date September 9, 2026

WHEREAS, the Fairfield Town Council deems it to be in the best interest of Fairfield to amend Fairfield Code §§154.180 through 154.188 to establish clear and consistent procedures and standards for the review, approval, and administration of conditional use permits; and

WHEREAS, on March 25, 2026, the Town Council adopted Resolution No. R2026-02, establishing a temporary moratorium on the processing and approval of conditional use applications to allow the Town to review and update its conditional use regulations; and

WHEREAS, the proposed amendment establishes updated procedures and standards for the application, review, decision, administration, and enforcement of conditional use permits; and

WHEREAS, the proposed amendment clarifies the respective roles of Town staff, the Planning Commission, and Town Council and establishes the Town Council as the land use authority for conditional use permits unless otherwise specified by the Fairfield Town Code; and

WHEREAS, the proposed amendment establishes standards for evaluating and mitigating reasonably anticipated detrimental impacts; and

WHEREAS, Utah Code §10-9a-501 and related provisions authorize municipalities to amend their land use regulations; and

WHEREAS, the Fairfield Planning Commission conducted a duly noticed public hearing on September 8, 2026, considered the proposed amendment, and forwarded a positive recommendation to the Town Council; and

WHEREAS, the Fairfield Town Council has reviewed the proposed amendment and finds that it promotes clear and consistent administration of the Town's conditional use regulations and serves the public health, safety, and general welfare:

NOW THEREFORE, be it ordained by the Town Council of Fairfield, in the State of Utah:

Section 1. Adoption of Amendments. The Town Council hereby amends Fairfield Code §§154.180 through 154.188, as shown in Exhibit A, wherein deletions to the current ordinance are ~~struck through~~ and additions to the current ordinance are underlined.

Section 2. Severability. If any provision of this Ordinance is held invalid or unenforceable, the remaining provisions shall remain in effect.

Section 3. Effective Date. This Ordinance shall become effective upon passage and posting as required by law.

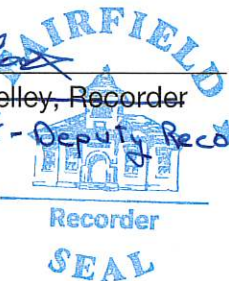
Approved by the Town Council of Fairfield, Utah, on this 9th day of September 2026 by the following vote:

FAIRFIELD

Hollie McKinney
Hollie McKinney, Mayor

Hollie McKinney	yes <u>HM</u>	no _____	abstain _____
RL Panek	yes <u>RZ</u>	no _____	abstain _____
Tyler Thomas	yes <u>TT</u>	no _____	abstain _____
Michael Weber	yes <u>MB</u>	no _____	abstain _____
Richard Cameron	yes <u>RSC</u>	no _____	abstain _____

ATTEST:

Vonda Cook
Stephanie Shelley, Recorder
Vonda Cook - Deputy Recorder

Recorder
SEAL

(OFFICIAL SEAL)

EXHIBIT A

CONDITIONAL USES

§ 154.180 CONDITIONAL USE PERMIT PROCEDURE.

(A) *Purpose.* The purpose of conditional use permit review is to allow a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may be suitable only if certain conditions are required that mitigate the detrimental impacts or, if the detrimental impacts or effects cannot be mitigated, to prohibit such use.

(B) *Applicability.*

- (1) Each zone will govern what conditional use will be allowed in that zone. Each zone may have additional conditions listed to fully mitigate adverse impacts.
- (2) Any conditional use permit request that requires site plan, building permit, or another review shall also be subject to the applicable review procedures established in this Code for those procedures.
- (3) The procedures, standards, and criteria of this Section shall apply to all conditional uses under this Title and shall control over any conflicting provisions elsewhere in this Title. Use-specific standards that do not conflict with this Section shall continue to apply.

(C) *Land Use Authority.*

- (1) A land use authority shall approve a conditional use permit if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards and criteria.
- (2) Unless stated otherwise in this code, the Town Council is hereby authorized, as the land use authority, to review and render a decision for all conditional use applications in accordance with the requirements of this subchapter.

(D) *Pre-Application Meeting.* A pre-application meeting is optional and may be requested by the applicant.

- (1) The pre-application meeting is intended to provide an opportunity for Town staff and referral agencies to discuss details and potential impacts of the proposed project and to establish points of contact. Staff may review the zoning classification of the site, the applicable regulatory ordinances and materials, applicable procedures, and examine the proposed use and development of the property. Staff may advise the applicant in preparing the application and

supporting documents as necessary.

- (2) Any information or discussions held at the pre-application meeting shall not be binding on the Town, referral agencies, or the person that requested the meeting. Discussions of potential conditions to mitigate impacts do not reflect actions by a decision-making body until and unless a decision-making body takes formal action to attach that condition to an application.
 - (3) A pre-application meeting does not preclude an interested party from meeting with Town staff to discuss concepts, development, zoning, or other items as part of the owner or other party's due diligence or investigatory processes.
- (E) *Application Submittal and Processing.* Except for Town-initiated applications, the conditional use permit application shall be submitted by the property owner or by an authorized agent or lessee. Applications submitted by an agent or lessee shall include an affidavit of authorization from the property owner.
- (F) *Application Content.* The application shall be submitted to the Town. Staff are available to assist as needed at Town Hall during regular business hours. The applicant shall submit:
- (1) The Town's completed conditional use permit application form;
 - (2) A description of existing uses, structures, and development on the property;
 - (3) A written narrative describing:
 - (a) The proposed use and the manner in which it will operate;
 - (b) The days and hours of operation;
 - (c) The anticipated number of employees, customers, residents, visitors, or other users;
 - (d) Anticipated traffic, parking, loading, deliveries, noise, lighting, odor, utility demand, drainage, public-safety needs, and other operational characteristics;
 - (e) Proposed construction, phasing, and the anticipated schedule;
 - (f) Reasonably anticipated detrimental effects of the proposed use; and
 - (g) Measures proposed to avoid or mitigate those effects and to demonstrate compliance with applicable Town standards.
 - (4) A dated and scaled map showing the subject property, surrounding streets, parcels, zoning districts, and existing land uses, together with a north arrow;

- (5) A current boundary survey, recorded plat, or other document acceptable to the Planning Director or Mayor's Designee, showing property boundaries and dimensions;
- (6) A scaled site plan showing:
 - (a) Parcel boundaries and dimensions;
 - (b) Existing and proposed buildings and structures, including dimensions and setbacks;
 - (c) Access points, driveways, internal circulation, parking, loading areas, curbs, and sidewalks;
 - (d) Landscaping, open space, fencing, and refuse or waste facilities;
 - (e) Grading, drainage facilities, floodplains, slopes, waterways, sensitive lands, and other environmental features;
 - (f) Existing and proposed utilities, easements, lighting, and other site improvements; and
 - (g) Calculations for parking, landscaping, lot coverage, open space, floor area, occupancy, and other applicable land-use or development standards;
- (7) Floor plans, building elevations, landscape plans, lighting plans, grading and drainage plans, utility plans, circulation plans, and other technical plans relevant to evaluating the proposal; and
- (8) Photographs or other visual materials documenting existing site conditions when reasonably required by the Planning Director or the Mayor's Designee.
- (9) Additional studies or analyses may be required when necessary for the decision-making body to evaluate reasonably anticipated detrimental effects under the applicable review criteria. The decision-making body may require additional or revised information when a submitted study or analysis does not satisfy these requirements. Any required study or analysis shall:
 - (a) Be prepared by a qualified professional in the applicable field;
 - (b) Identify reasonably anticipated detrimental effects relevant to the proposed use or site;
 - (c) Describe measures necessary to demonstrate compliance with applicable standards and to avoid or mitigate identified detrimental effects; and
 - (d) Contain information, methodologies, assumptions, and conclusions

determined by the decision-making body to be reasonable, accurate, and appropriate for evaluating the proposed use.

(10) Examples of studies, analyses, or other supporting materials that may be required include:

- (e) A traffic or transportation-impact analysis;
- (f) A parking or loading analysis;
- (g) A drainage, stormwater, or floodplain analysis;
- (h) A utility-capacity or public-facilities analysis;
- (i) A geotechnical, geological-hazard, sensitive-lands, or slope-stability report;
- (j) A noise, vibration, lighting, odor, air-quality, or environmental-resource analysis;
- (k) A wildfire, emergency-access, fire-protection, public-safety, or security plan;
- (l) Documentation of required health, environmental, state, county, or other agency approvals; and
- (m) A construction-management, phasing, or mitigation plan addressing reasonably anticipated construction impacts.

(11) In addition to any study or analysis required pursuant to paragraph (9), The Planning Director or Mayor's Designee may require additional information, plans, studies, or documentation reasonably necessary to determine:

- (a) If the proposed use complies with applicable laws, adopted plans, zoning regulations, and conditional use approval standards; or
- (b) If reasonably anticipated detrimental effects can be avoided or mitigated through reasonable conditions.

(12) Provide current ownership information and mailing labels, envelopes, postage, or a Town-approved equivalent necessary to address legally required notices to property owners within 300 feet of the subject property.

(13) Town staff will not begin processing an application until the application materials submitted are determined to be complete in accordance with this section.

(G) Determination of Application Completeness.

(1) Applications.

- (a) Upon receiving an application, the Planning Director or Mayor's Designee shall determine whether the application is complete. A complete application is one that contains all information and materials required by this code, and that has sufficient detail and readability to evaluate the application for compliance with applicable review standards of this code.
- (b) An application shall not be accepted or deemed complete until all required initial application fees, as established in the Town Fee Schedule, have been paid.

(2) Incomplete Applications.

- (a) Upon determining whether the application is incomplete, the Planning Director or Mayor's Designee shall notify the applicant in writing of any submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a determination of completeness until the Planning Director or Mayor's Designee determines the application is complete.
- (b) An application shall not be reviewed for compliance with this code or scheduled for a public meeting or public hearing by any review or decision-making body until it is determined to be complete according to this section and all outstanding fees have been paid in full.
- (c) Upon determining the application is complete, the Planning Director or Mayor's Designee shall accept the application for review in accordance with the procedures and standards established in this code.

(3) Application Revisions.

- (a) An applicant may revise an application following a determination that the application is complete prior to any formal action taken by a review or decision-making body.
- (b) Revisions may include changes that respond to comments or recommendations from Town staff, review agencies, review bodies, or the decision-making body, or other changes determined by the Planning Director or Mayor's Designee not to materially alter the application.
- (c) All other application revisions shall be processed as a new application, except those that constitute only minor additions, deletions, or corrections to the request, as determined by the Planning Director or Mayor's Designee.

(4) *Abandoned Applications.* If a complete application has been reviewed and comments provided to the applicant for correction, but a resubmittal addressing staff-noted deficiencies has not been received within six months of staff providing the applicant with the comments, such application shall be deemed abandoned and all fees forfeited. The applicant may request, and the Planning Director or Mayor's Designee may grant one three-month extension to address staff-noted deficiencies. In extenuating circumstances, the Planning Director or Mayor's Designee may grant an additional 12-month extension period beyond the three-month extension outlined above. Abandoning an application terminates the review process and closes the application.

(5) *Application Withdrawal.*

- (a) After an application has been accepted for review, the applicant may withdraw the application by submitting a signed letter of withdrawal to the Planning Director or Mayor's Designee before the Town takes action by a vote of the decision-making body.
- (b) An applicant is not entitled to a refund of application fees for withdrawn applications; however, application fees may be refunded at the Planning Director or Mayor's Designee's discretion if staff and review agencies have not provided the applicant with review comments and a public notice has not been sent.

(6) *Concurrent Applications.*

- (a) Whenever an application requires review under the provisions of more than one permit, approval, or process, staff may schedule the review procedures and hearings so that review for each different permit, approval, or process can be scheduled on the same agenda, to the extent practicable.
- (b) Review and decision-making bodies considering applications submitted simultaneously shall render separate recommendations and decisions on each application based on the specific standards applicable to each approval.
- (c) Some forms of approval depend on the applicant having previously received another form of approval or require the applicant to take particular action within some time period following the approval to avoid having the approval lapse. Therefore, even though this code intends to accommodate simultaneous processing, applicants should note that each of the permits and approvals set forth in this code has its own timing and review sequence, and so as a result, concurrent filings are not guaranteed to expedite the respective timing and review sequences of any particular permit or approval.

- (7) *Authorization of Site Inspection.* By submitting an application, the applicant is authorizing Town officials to inspect the subject property at any reasonable time to obtain information required for review of compliance with this code.
- (8) *Examination of Application and Other Documents.* Upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of, or in opposition to, an application on file with the Town.

(H) Application Review.

- (1) *Referral to Staff and Review Agencies.* Upon acceptance of an application, the Planning Director or Mayor's Designee shall distribute the complete application to appropriate staff and review agencies. The Planning Director or Mayor's Designee shall review the application and prepare comments considering the review criteria in this section.
- (2) *Application Review and Revisions.* The Planning Director or Mayor's Designee shall review the application and may consult with applicable Town departments and referral agencies with jurisdiction over public health and safety or required public services, as necessary. The Planning Director or Mayor's Designee may submit recommendations and comments to the applicant. The application will not move forward for further review until the applicant has responded to the Town's recommendations and comments or requests in writing that the application proceed without further revisions.

(I) Public Notice and Hearing

- (1) *Planning Commission Review.* The application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Utah Code Ann. §10-20-Part 2.
- (2) *Town Council Review.* The application shall be scheduled for a public meeting before the Town Council and noticed in accordance with Utah Code Ann. §52-4-202.

(J) Application Decision and Action

- (1) *The Planning Director or Mayor's Designee Recommendation.*
 - (a) *Staff Report.* The Planning Director or Mayor's Designee shall prepare a written staff report that summarizes the proposal, findings, and staff recommendations.
 - (b) *Distribution and Availability of Application and Staff Report.* The Planning Director or Mayor's Designee shall submit a copy of the staff

report to the applicant and the review and/or decision-making body and shall make the staff report and related materials available for public review prior to the public meeting or public hearing at which the application is scheduled to be heard.

(2) *Planning Commission.* The Planning Commission shall review the application and forward its comments to the Town Council, subject to the following standards.

- (a) The Planning Commission recommendation shall be based on the applicable review criteria listed in this section.
- (b) The Planning Commission shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing.
- (c) The Planning Commission shall forward a positive or negative recommendation to the Town Council based on the review criteria. The Planning Commission may also table or continue the item pursuant to adopted policies and procedures. If a Planning Commission motion fails, the item shall be referred to the Town Council without a formal Planning Commission recommendation.
- (d) The Planning Commission shall clearly state the factors and rationale considered in making its recommendation.

(3) *Town Council.* The Town Council may approve, approve with conditions, or deny the application, in accordance with the conditional use permit review procedures and criteria in this section.

- (a) In granting a conditional use permit, the decision-making body may impose conditions of approval in accordance with the review criteria established in this section, that shall be satisfied before a certificate of occupancy or business license may be issued for use of the property or building subject to the conditional use review.
- (b) Any cost of mitigating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use in the same zoning district shall become a charge against the development so as not to constitute a burden on the town, surrounding neighbors, or adjacent land uses.
- (c) If the decision-making body proposes reasonable conditions on a proposed conditional use, the decision-making body shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

- (d) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the decision-making body may deny the conditional use request.

(4) Conditional Use Review Criteria.

- (a) The decision-making body shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use, in accordance with this code and Utah Code.
- (b) The requirement to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.
- (c) Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those that could reasonably be expected to arise from a use that is permitted in the district. In determining compliance with applicable objective standards of this Code, reasonably anticipated detrimental effects may include effects relating to the following:
 - 1. The health, safety, and welfare of the city and its present and future inhabitants and businesses;
 - 2. The prosperity of the city and its present and future inhabitants and businesses;
 - 3. The morals, peace and good order, comfort, convenience, and aesthetics of the city and its present and future inhabitants and businesses;
 - 4. The tax base;
 - 5. Economy in governmental expenditures;
 - 6. The state's agricultural and other industries;
 - 7. Access to sunlight for solar energy devices; and
 - 8. Property values.
- (d) To mitigate reasonably anticipated detrimental effects and achieve compliance with applicable standards of this Code, the Town may impose conditions that address:

1. Size, configuration, and location of the site and the proposed site plan layout;
2. Proposed site ingress and egress to existing and proposed roads and streets;
3. The adequacy, provision, relocation, or protection of public facilities and amenities, including roads and streets, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities;
4. Design, location, and amount of off-street parking, loading areas and solid waste disposal, and refuse collection areas;
5. Site circulation patterns for vehicular, pedestrian and other traffic;
6. Massing, size, number, location, design, exterior features, materials, and colors of buildings, structures, and other facilities;
7. The location and design of all site features, including proposed signage, lighting, and site furnishings;
8. The provision of usable open space, public features, and recreational amenities;
9. Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining property owners from noise, visual, and other impacts;
10. Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to, noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation;
11. Measures designed to protect the natural features of the site including wetlands and drainageways, groundwater protection, soils, wildlife, and plant life;
12. The regulation of operating hours for activities affecting normal schedules and functions;
13. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval;
14. Measures to ensure compliance with all conditions and requirements of approval, including, but not limited to, bonds, letters of credit,

improvement agreements, agreements to conditions, road maintenance funds, and restrictive covenants;

15. Measures to preserve the quiet, aesthetic and peaceful enjoyment of surrounding properties.

16. Other reasonable conditions necessary to mitigate reasonably anticipated detrimental effects and achieve compliance with applicable standards of this Code.

- (e) The proposed use complies with all applicable standards in this code, unless the standard is lawfully modified or varied through a procedure established in this code or by court order.
- (f) The proposed use is consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any approved phasing plan(s) for development and installation of public improvements and amenities.

(K) Post-Decision Actions and Limitations.

(1) Building or Grading Permit Approval.

- (a) A building or land disturbance permit shall not be issued until all permits, reviews, guarantees of improvement (bonds), or approvals required by this code have been secured.
- (b) The securing of one required review or approval shall not exempt the recipient from the necessity of securing any other review or approval required by this code.

(2) Effect of Approval.

- (a) The granting of a conditional use permit has no effect on the uses permitted by-right and does not waive the regulations of the underlying zoning district.
- (b) The granting of a conditional use permit authorizes the use and establishes the terms of use.
- (c) This code shall not be construed to vest a right to any approved conditional use except upon complete and continued compliance with the conditions finally approved.
- (d) Conditional uses shall be subject to the standards of this code and applicable development permit review procedures. All required permits

and approvals shall be obtained before any grading, construction, or use commences.

- (e) A conditional use permit shall continue to be valid upon a change of ownership of the site or structure that was the subject of the conditional use permit application, so long as the use is not modified, amended, or expired.

(3) *Expiration.*

- (a) A conditional use permit shall expire if the use has not commenced within 12 consecutive months of the date of approval or the use ceases for a period longer than 12 consecutive months.
- (b) Upon expiration, a new conditional use permit application may be submitted following the procedures and regulations in effect at the time of re-application.

(4) *Failure to Comply with Conditions.* Failure to comply with a condition of approval constitutes a violation of this Code and may result in suspension, revocation, or other enforcement action as provided in this section and the Fairfield Code of Ordinances. A conditional use permit may be suspended and/or revoked subject to the following:

- (a) The Town shall notify the applicant in writing of the suspension and the reasons for the suspension and provide 10 days for the applicant to comply with the condition(s).
- (b) If the applicant fails to comply within 10 days, the original decision-making body may revoke the conditional use permit or take action necessary to ensure compliance with the approved conditional use permit if the original decision-making body finds that:
 - 1. The actual detrimental effects or impacts are greater than anticipated;
 - 2. The conditional use permit was obtained by misrepresentation or fraud;
 - 3. One or more of the conditions of the conditional use permit have not been met;
 - 4. The holder or user of the conditional use permit has failed to comply with any city, state, or federal law governing the conduct of the use;
 - 5. The holder or user of the conditional use permit has failed to construct or maintain the site as shown on the approved plan; or

6. The property or use is in violation of one or more of the standards of this code.

- (c) The decision to revoke a conditional use permit shall be in writing and shall clearly state reasons for revocation.
- (d) The decision to revoke a conditional use approval shall be final immediately following the decision, unless an appeal has been filed in accordance with §154.048: Appeal Authorities and Procedures, in which case the Appeal Authority shall render a final decision.

(5) *Modification or Amendment.*

- (e) Minor modifications that do not materially alter the approved use, site plan, conditions of approval, or reasonably anticipated detrimental effects may be approved administratively by the Planning Director or Mayor's Designee. All other modifications or amendments shall require a new conditional use permit application. An application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with this section.
- (f) The Town Council, following a public hearing, may modify the conditions under which the use approval was originally approved if the Town Council finds that the use or related development constitutes or is creating a nuisance.

(6) *Extension Requests.*

- (g) The original decision-making body may grant an extension of the original approval by no more than 12 months, following a written request from the applicant explaining reasonable cause for such extension, prior to the expiration date. The original decision-making body shall determine whether or not there is reasonable cause for the requested extension and grant the extension for the minimum time-frame necessary, based on the criteria below.
- (h) In all requests for a time extension, the applicant shall provide substantial and verifiable evidence showing that:
 - 1. In spite of the good faith efforts of the applicant, circumstances beyond their control have prevented the timely pursuit of the development and completion of the necessary requirements within the originally authorized time period; or
 - 2. The applicant has completed substantial property improvements, incurred substantial nonrecoverable monetary expenditures or commitments, or has completed supporting development improvements, or retained the services for preparation of supporting

data in reliance upon the approval of the request.

3. In either instance, the applicant is, in good faith, continuing to diligently pursue implementation of the development to the degree authorized by the Town and the applicant shall be current on all Town fees and has no code violations or environmental, health, or safety issues existing on the property.

- (i) In extenuating circumstances, the original decision-making body may grant an additional six-month extension period beyond the 12-month extension outlined above, subject to the same criteria established in paragraph (h) above.

- (7) *Appeals.* A conditional use permit decision may be appealed pursuant to §154.048: Appeal Authorities and Procedures, with the following modifications:

- (a) Except as provided in paragraph (b) below, review of conditional use decisions shall be confined to the record developed by the conditional use permit decision-making body.
 - (b) If the Appeal Authority determines there is good cause and that the record is incomplete or deficient, the matter may be reviewed de novo.
 - (c) Any decision by the Appeal Authority, except a remand to the original decision-making body, shall be final and subject to the conditions imposed by the original decision-making body. This code shall not be construed to vest a right to any conditional use except upon complete and continued compliance with the conditions finally approved.
 - (d) If a conflict exists between this section and any other Code provision related to appeals, this section shall control.

§ 154.181 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. The property owner or authorized agent who submits an application for a conditional use permit under this subchapter.

COMPLETE APPLICATION. An application containing all information and materials required by this Code in sufficient detail and readability to evaluate compliance with applicable review standards.

CONDITIONAL USE. A land use that, because of its unique characteristics or potential impacts on the municipality, surrounding neighbors or the community, requires special consideration, evaluation and reasonable conditions to mitigate adverse effects.

CONDITIONAL USE PERMIT (CUP). An official authorization issued by the town allowing a conditional use to be established on a specific property, subject to compliance with conditions imposed by the land use authority to mitigate reasonably anticipated detrimental effects.

DECISION-MAKING BODY. The body or individual designated as the land use authority and authorized to take final action on a land use application. For purposes of conditional use permits under this subchapter, the Town Council is the land use authority and shall serve as the decision-making body unless otherwise specified by this Code.

EXTENUATING CIRCUMSTANCE. An unusual or unforeseen circumstance beyond the reasonable control of the applicant that materially prevents or delays compliance with an applicable requirement or deadline despite the applicant's reasonable and diligent efforts.

MINOR MODIFICATION. A change to an approved conditional use permit that does not materially alter the nature, location, scale, intensity, operation, site configuration, or reasonably anticipated detrimental effects of the approved use and does not conflict with or modify a condition of approval.

MITIGATION. Measures required to eliminate or minimize the negative impacts of a conditional use, such as screening, buffering, site design modifications, hours of operation restrictions or infrastructure improvements.

QUALIFIED PROFESSIONAL. A person possessing the applicable professional license, education, training, experience, or other qualifications necessary to prepare or evaluate a particular technical study, analysis, or report.

REASONABLE CONDITIONS. Conditions imposed by the land use authority that are proportionate, related to mitigating anticipated detrimental effects and necessary to ensure the use is compatible with the surrounding area.

REASONABLY ANTICIPATED DETRIMENTAL EFFECTS. Adverse impacts or effects that may reasonably be expected to result from a proposed conditional use based on the nature, location, scale, intensity, or operation of the use and the characteristics of the site and surrounding area.

REVIEW CRITERIA. The applicable standards and criteria established by this Code for evaluating and taking action on a conditional use permit.

SITE PLAN. A detailed drawing or set of plans submitted with a conditional use application showing proposed improvements, structures, access, parking, landscaping, utility connections, drainage and other required elements.

(Prior Code, § 10.17.20)