

TITLE 15 – Land Use Regulations

Huntsville Town Ordinance – Title 15.4 Conditional Uses

15.4 CONDITIONAL USES¹

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15.4.1 Purpose

The purpose of Conditional Use is to allow a land use that, because of its unique characteristics or potential detrimental effects within a zone, or on adjacent land uses, may be allowed only if certain conditions are required that mitigate or eliminate the detrimental impacts.²

15.4.2 Conditional Use Permit

A Conditional Use Permit shall be required for all uses not specifically listed for a given zone. The Conditional Use Permit shall be approved by the Huntsville Town Council after review and recommendation by the Huntsville Town Planning Commission. A Conditional Use Permit may be revoked at a later time by the Huntsville Town Council, after review and recommendation by the Huntsville Town Planning Commission, upon the permittee's failure to comply with the conditions imposed with the original approval of the permit.

15.4.3 Application Procedure

- A. Application for a Conditional Use Permit shall be made to the Huntsville Town Planning Commission. A site plan showing details and other requirements shall accompany the completed application forms provided by the Huntsville Town Clerk or Huntsville Town Building Official.
- B. The application together with all pertinent information shall be considered by the Huntsville Town Planning Commission at its next regularly scheduled meeting. The applicant shall be notified of the date, time, and place of each public meeting.
- C. The Huntsville Town Planning Commission may call a special public hearing on any application after adequate notice if it is deemed in the public interest. The applicant shall be notified of the date, time, and place of each public hearing.

¹ Amended 2-4-2021: Ordinance #2021-1-28: Various Edits including the adoption of Conditional Use Standards.

² Amended 6-22-22: Ordinance #2022-5-26-B: wording updated

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15.4.4 Determination

After the completion of the review procedure in 15.4.3, the Huntsville Town Planning Commission will pass their decision to recommend or not recommend a Conditional Use on to the Huntsville Town Council. In recommending any Conditional Use, the Huntsville Town Planning Commission shall impose such requirements and conditions necessary to mitigate the reasonably anticipated detrimental effects of the proposed use. The applicant shall be notified of the decision.

The Huntsville Town Council may adopt, modify, or reject the recommendation of the Huntsville Town Planning Commission and impose any additional conditions that it may deem necessary if granting a Conditional Use Permit.

15.4.5 Basis for Issuance of Conditional Use Permit

The Huntsville Town Planning Commission shall not recommend a Conditional Use Permit unless evidence is presented to establish:

- A. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards set forth in 15.4.6.
- B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use shall be denied.

15.4.6 Conditional Use Standards

The following conditions may be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use:

1. On-site security, security system, or security plan.
2. Additional setbacks or landscaping.
3. Additional storm water facilities or retention.
4. Sign limitations.
5. Easements, covenants, deed restrictions, or similar limitations.
6. Limits on hours of operation, in whole or part.
7. Limits on hours of operation of equipment or machinery.
8. Limits on the types of equipment or machinery.
9. Height limits.
10. Size limits.
11. Density limits.
12. Structural limits.
13. Time limits for construction, temporary uses, limited uses, or limited operation.
14. Limits on the number of objects or animals.
15. Conditions to limit light, glare, or heat.

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16. Conditions to limit vibration, movement, odor, or noise.
17. Architectural, fencing, landscaping, or design mitigation.
18. Limits on the number of employees, patrons, or automobiles.
19. Traffic regulations, congestion reduction measures, and limited access.
20. Limitations to improve public health.
21. Limitations to improve public safety.
22. Any other condition to mitigate anticipated detrimental impacts.

15.4.7 Building Permit and Improvement Guarantee

Following the issuance of a Conditional Use Permit, the Huntsville Town Building Permit Official shall approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said permits and conditions pertaining thereto.

Prior to the issuance of an Occupancy Permit, the developer shall guarantee to Huntsville Town the completion of any uncompleted improvements or conditions of approval, which shall be included in the Assurance Bond held by Huntsville Town.

15.4.8 Expiration

Unless there is substantial action under a Conditional Use permit within a maximum period of one (1) year of its issuance, the Conditional Use Permit shall expire. The Huntsville Town Council may grant a maximum extension of six (6) months under exceptional circumstances. Upon expiration of any extension of time granted by the Huntsville Town Council, or failure to complete all conditions and requirements of the Conditional Use Permit within an eighteen (18) month period of time, the approval for the Conditional Use Permit shall expire and become null and void.

15.4.9 Discontinued Use

When an approved Conditional Use has been discontinued and/or abandoned for a period of one (1) year, the Conditional Use Permit becomes null and void. In order to restore the Conditional Use, a new application shall be filed for review and consideration by the Huntsville Town Planning Commission and Huntsville Town Council. If two (2) years expire with discontinued use and/or abandonment, the owner will remove the structure or use it for an approved use. If the owner does not remove the structure, Huntsville Town will remove the structure and place a lien on the property for the cost of removal and disposition.