

ZONING

§180-30. Conditional Uses. [Amended 9-5-95, Ord. 95-09; 12-17-96, Ord. 96-28, 6-24-03, Ord. 03-14; 10-12-04, Ord. 04-16]

- A. Purpose. Conditional uses are uses which, because of their character, size and potential impacts, may or may not be appropriate in particular zoning districts. The conditional use requirement is intended to allow for the integration of certain land uses and structures within the Town of Frisco, based on conditions imposed by the Town Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and on the basis of all zoning, subdivision and other ordinances applicable to the proposed location and zoning district. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety or welfare of the community or a violation of any provision of the Town Code, state law, rule or regulation promulgated pursuant thereto. Uses not specifically described as permitted or conditional uses in a particular zone district may be considered a conditional use in that zone district if the Director of the Community Development Department determines, in writing, that the proposed use is substantially similar to a use specifically described as a permitted use or conditional use in that particular zone district.
- B. Approval required. Conditional use approval shall be required for those uses listed as conditional uses in the district regulations, and for uses determined, pursuant to Paragraph A above, to be substantially similar to a use specifically described as a permitted use or conditional use in that particular zone district. Conditional use approval may be revoked upon failure to comply with conditions precedent to the original approval of the conditional use.
- C. Processing of conditional uses.
1. Application. An application for approval of a conditional use shall be filed by a person having an interest in the property to be developed. The application shall be made on a form provided by the Town of Frisco. A complete application, including fees, and containing all of the applicable information required in Subsection (3) below, shall be presented to the Community Development Department not less than fifty-two (52) days prior to the regular Planning Commission meeting at which it will be heard if the application is submitted concurrently with a development application requiring Planning Commission review. If Planning Commission review is not required for a related development application, then the complete conditional use application shall be presented to the Community Development Department not less than thirty-seven (37) days prior to the regular Planning Commission meeting at which it will be heard. The Community Development Department may, at its discretion and for good cause, require a longer submittal period. The applicant must contact the Community Development Department for further information on the application submittal process. **[Amended 10-12-04, Ord. 04-16]**
 2. Preapplication conference. A preapplication conference shall be held with the Community Development Department in order for the applicant to:

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- a. Become acquainted with the conditional use requirements and other related town requirements.
 - b. Obtain a checklist of what the application shall include plus additional documentation that may be required as set forth in § 180-19 and 180-20.
 3. Documentation required. The application for a conditional use shall include all documentation specified in §180-19 plus the following:
 - a. Fifteen (15) copies of a site map indicating existing structures and their current uses.
 - b. A written statement of intent explaining the objectives to be achieved by the use and a description of the possible impacts, both positive and negative, of the proposal.
 - c. Traffic analysis indicating anticipated average daily traffic volumes if determined necessary by the town.
 - d. Any other information that may be required in order for the Planning Commission and Town Council to make an informed decision, as determined by the Community Development Department.
- D. Review procedure and approval.
1. Public hearing. The Planning Commission and Town Council shall hold public hearings for which public notice is given to hear testimony and evidence pertinent to the proposed conditional use. Planning Commission will make a recommendation to Town Council for approval, approval with conditions or denial on every conditional use application. In authorizing any conditional use, the Planning Commission and Town Council shall consider all public comments, testimony and evidence pertinent to the proposed use, and shall impose such requirements and conditions as may be necessary or desirable for the public welfare and achievement of the Frisco Master Plan and community goals and objectives.

If a development application is a component of the proposed Conditional Use, a development application must be submitted concurrently for the Town to adequately review the full proposal.
 2. Basis for issuance of a conditional use. The Planning Commission and Town Council shall evaluate the conditional use application pursuant to the following criteria; it shall be the duty of the applicant to establish that each of the following criteria are met:
 - a. That the proposed use in its particular location is necessary or desirable to provide a service or facility that will contribute to the general welfare of the community.

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- b. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community.
 - c. That the proposed use will comply with the regulations and conditions specified in the Town Code for such use.
 - d. That the proposed use conforms to the goals and objectives of the Master Plan for the Town of Frisco.
 - e. That the proposed use furthers the architectural qualities and character of the community.
 - f. That the proposed use is compatible in function and design with surrounding land uses.
3. Final approval. Final approval or disapproval of a conditional use rests with the Town Council. The Town Council shall make its decision after considering the recommendation of the Planning Commission. Unless a business license has been issued for the use, or a building permit issued for the project within a period of one (1) year from the date of conditional use approval, the conditional use approval shall expire.