

ATTACHMENT 2

(n) *Issuance of Development Permits*

After final plan approval, the Town Manager may issue Zoning Compliance Permits, Engineering Construction Permits, Building Permits, Sign Permits, and Certificates of Occupancy for development approved in a Special Use Permit, or an approved phase thereof, in the manner prescribed in Section 4.9, subject to compliance with the approved final plans and following additional requirements:

- (1) Prior to issuance of a Building Permit for any new structures, additions, and exterior renovations or alterations, detailed architectural elevations of such structures, additions, and renovations or alterations and a site lighting plan shall be submitted to and approved by the Community Design Commission; and
- (2) Prior to issuance of any Zoning Compliance Permit for development approved in a Special Use Permit, a detailed landscape plan for such development, or an approved phase thereof, shall be submitted to and approved by the Town Manager.

4.5.4 **Modifications of Special Use Permits**

- (a) The Town Manager is authorized to approve minor changes in the approved final plans as long as such changes continue to comply with the approving action of the Town Council and all other applicable requirements, but shall not have the authority to approve changes that constitute a modification of the Special Use Permit.
- (b) Any change requiring evidentiary support in addition to that presented at a public hearing on applications for the original Special Use Permit or subsequent Modifications of Special Use Permit shall constitute a modification of the Special Use Permit. Before making a determination as to whether a proposed action is a minor change or a modification, the Town Manager shall review the record of the proceedings on the original application for the Special Use Permit and subsequent applications for modifications of the Special Use Permit. The following shall constitute a modification of the Special Use Permit:
 - (1) A change in the boundaries of the site approved by the Town Council.
 - (2) A change from the use approved by the Town Council.
 - (3) An increase of five (5) percent or more in the floor area approved by the Town Council, unless proposed addition is 2,500 square feet of floor area or less, whether such addition is proposed at one time or over an extended period of time.
 - (4) An increase of five (5) percent or more in the number of parking spaces approved by the Town Council, whether such addition is proposed at one time or over an extended period of time.
 - (5) Substantial changes in the location of principal and/or accessory structures approved by the Town Council.

- (6) Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal and/or accessory structures as shown on the plans approved by the Town Council.
 - (7) Substantial changes in pedestrian and bicycle or vehicular access or circulation approved by the Town Council. Examples of substantial changes include, but are not limited to:
 - A. A change in trip distribution occurs that involves more than five percent (5%) of all projected trips; or
 - B. The change results in a reduction in the level of service (LOS) of a street link or intersection within one-quarter ($\frac{1}{4}$) of a mile from the boundaries of the proposed development.
 - (8) Substantial change in the amount or location of landscape screens approved by the Town Council shall constitute a modification.
- (c) If the proposed action is determined to be a modification, the Town Manager shall require the filing of an application for approval of the modification.
 - (d) The Town Manager shall prescribe the form(s) of applications as well as any other material he/she may reasonably require to determine compliance with this Article.
 - (e) An application for Modification of a Special Use Permit shall be reviewed in accord with the procedures established in Section 4.5.3.
 - (f) No modification shall be allowed to a special use permit issued in a conditional use zoning district unless the applicant accepts all of the requirements and conditions the Town Council proposes to impose on the modification. Acceptance of conditions by the applicant may be indicated at the Town Council hearing on the Special Use Permit Modification or by affidavit submitted prior to the Town Council taking action on the modification application.

4.5.5 Expiration and Revocation of Special Use Permit Approvals

(a) *Special Use Permit Binding on Land*

- (1) A Special Use Permit or Modification of Special Use Permit shall run with the land covered by the Permit or Modification. Once construction authorized by a Special Use Permit or Modification of Special Use Permit is started, no development other than that authorized by the Permit or Modification shall be approved on that land unless the Permit or Modification is first modified in accord with Section 4.5.4, or voided or revoked in accord with the provisions of this Section.