

#### 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 Subsection 4.5.4, or voided or revoked in accord with the provisions of this section.
  - (2) No Special Use Permit authorizing development of property within a conditional use district may be abandoned or revoked unless the property is first rezoned to a general use zoning district.
- (b) *Starting time limit.*

If the use, construction, or activity authorized by Town Council approval of an application for a Special Use Permit or modification of Special Use Permit is not started within twenty-four (24) months of the date of approval or within such further time stipulated in the approval, the approval shall expire and any town permit issued pursuant to the approval shall be void. The Town Manager shall determine whether the use, construction, or activity has started. The Town Manager may grant a single extension of the starting time limit for up to twelve (12) months, unless he/she determines that paramount considerations of health, the general welfare, or public safety require Town Council re-approval. In such instances the Town Manager shall require the application to be reviewed in accordance with the procedures set forth in Subsection 4.5.3.

- (c) *Completion time limit.*
  - (1) If all construction and actions authorized or required by a Special Use Permit or modification of Special Use Permit are not completed by the completion date stipulated in the permit or modification, the permit holder may request an extension of the completion time limit from the Town Manager. The Town Manager may grant a single extension of the time limit for up to twelve (12) months if he/she determines that:
    - A. The permit holder submitted the request within sixty (60) days of the completion date;
    - B. The permit holder has proceeded with due diligence and good faith; and
    - C. Conditions have not changed so substantially as to warrant Town Council reconsideration of the approved development.
  - (2) If all of the construction and actions authorized or required by a Special Use Permit or modification of Special Use Permit are still not completed by the extended completion date granted by the Town Manager, the permit holder may, within sixty (60) days of the revised completion date, request additional extensions of the completion time limit from the Town Council. The Town Council may grant extensions of the time limit if it makes the determinations required by (c)(1)(A) through (c)(1)(C), above.

#### 4.7.6. *Expiration of Site Plan Review Approval.*

(a) *Starting time limit.*

If the use, construction, or activity authorized by approval of an application for a zoning compliance permit or modification of zoning compliance permit is not started within twelve (12) months of the date of approval, or within such further time stipulated in the approval, the approval shall expire and any town permit issued pursuant to the approval shall be void. The Town Manager may grant a single extension of the starting time limit for up to twelve (12) months, unless he/she determines that paramount considerations of health, the general welfare, or public safety require Planning Board re-approval. The Town Manager shall determine whether the use, construction, or activity has started.

(b) *Completion time limit.*

If all construction and actions authorized or required by a zoning compliance permit or modification of zoning compliance permit are not completed by the completion date stipulated in the permit or modification, the permit holder may request an extension of the completion time limit from the Town Manager. The Town Manager may grant extensions of the time limit for periods of up to twelve (12) months if he/she determines that: a) the permit holder submitted the request within sixty (60) days of the completion date; b) the permit has proceeded with due diligence and good faith; and c) conditions have not changed so substantially as to warrant reconsideration of the approved development. The Town Manager shall determine whether or not all construction and actions authorized or required have been completed.

4.6.5 (10) *Expiration of preliminary plat approval.*

- A. Preliminary plat approval for a major subdivision shall be effective for one (1) year from the date of approval. After that time the applicant must submit a new application. The Town Manager may re-approve the application unless he/she determines that paramount considerations of health, the general welfare, or public safety require Town Council re-approval. In such instances the Town Manager shall require the application to be reviewed in accordance with the procedures set forth in Subsections (1) through (7) of this section.
  
- B. No application for final plat approval shall be accepted or approved for any portion of a subdivision for which preliminary plat approval has expired. If final plat approval for any lot shown on an approved preliminary plat has not been obtained before the preliminary plat approval expires, a new application for approval of a preliminary plat showing the lot must be approved under then-applicable regulations before an application for final plat approval of such lot can be accepted.