

**CHAPTER 1145
Conditional Uses**

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| <p>1145.01 Purpose.</p> <p>1145.02 Application procedure.</p> | <p>1145.03 Criteria for approval.</p> <p>1145.04 Review procedure.</p> |
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CROSS REFERENCES

Defined - see P. & Z. 1135.01
Approval by Board of Zoning and Building Appeals
Commission - see P. & Z. 1139.04

1145.01 PURPOSE.

Certain uses more intensely affect the surrounding area in which they are located than permitted uses in the same zoning district, and yet if properly controlled and regulated, these uses can be compatible within the zoning district. To provide this necessary control, such uses shall be designated as conditional uses and allowable only upon review and approval by the Board of Zoning and Building Appeals as exceptions to the strict application of this Zoning Ordinance. Because of the uniqueness or special nature of a conditional use with respect to location, design, size and method of operation, each such use that comes before the review of the Board shall be considered individually.

1145.02 APPLICATION PROCEDURE.

(a) Application Fee. The applicant shall pay a fee sufficient to cover costs of administration, advertising, review, publishing and reporting of the case, as established by the current ordinance.

- (b) Contents of Application. The application must include the following:
- (1) Name, address and phone number of applicant(s); names and signatures of property owner(s) or designee.
 - (2) The address and legal description of the property in question.
 - (3) Description of existing uses of all parts of the lot or property; proposed conditional use or other change and the present zoning district in which the current use is located; the provisions of the Zoning Ordinance which are applicable.

- (4) A statement of the relationship of the proposed use to adjacent land use in terms of traffic, parking, noise and other nuisances and general compatibility.
- (5) A statement responding to the criteria for approval of such application.
- (6) A list of property owners within 200 feet of the property on which the conditional use is to be considered, taken from a current County Auditor tax list or the County Treasurer's mailing list.
- (7) Eight copies of the plot plan showing:
 - i. Boundaries and dimensions of the lot and the size and location of all proposed or existing structures. The application shall also include a map which shows all adjacent properties, including zones, with the approximate location of existing structures.
 - ii. Traffic access, traffic circulation, existing and proposed utilities, parking, tree locations, landscaping, signs, refuse and service areas and other such information relevant to the proposed use.
 - iii. The nature of any special conditions or circumstances.
- (8) Such additional information as may be required by this Zoning Ordinance or requested by the Board of Zoning and Building Appeals to review the application.

1145.03 CRITERIA FOR APPROVAL.

The Board of Zoning and Building Appeals shall make the following determinations with respect to an application for a conditional use permit:

- (a) The proposed use is a conditional use within the zoning district and the applicable development standards of this Zoning Ordinance are met.
- (b) The proposed use is in accordance with appropriate plans for the area and is compatible with the existing land use.
- (c) The proposed use will not create an undue burden on public facilities and services such as streets, utilities, schools and refuse disposal.
- (d) The proposed use will not be detrimental or disturbing to existing neighboring uses, and will not entail a use, structure or condition of operation that constitutes a nuisance or hazard to any persons or property.

1145.04 GENERAL PROCEDURE.

(a) Please refer to Chapter 1139 for the review procedure.
(Ord. 23-99. Passed 6-16-99.)

(b) Issuance of Conditional Use Permit. Upon approval of the Board of Zoning and Building Appeals, and with such conditions attached by the Board as may be necessary to secure the objectives of this Zoning Ordinance, the Zoning Inspector shall issue a conditional use permit to the applicant. Such permit shall authorize one particular conditional use and such permit shall automatically expire if, for any reason, the conditional use shall not be commenced within two years or, if construction or renovation is included as part of such conditional use, such construction or renovation is not begun within two years. Such permit shall expire if a conditional use is discontinued for more than two years.
(Ord. 12-92. Passed 6-17-92.)

(c) Appeals. Appeals from the decisions of the Board of Zoning and Building Appeals may be had as provided in Chapter 1139.
(Ord. 23-99. Passed 6-16-99.)