

Conditional Use Permit Additional Information

Purpose

Certain uses more intensely affect the surrounding area in which they are located than permitted uses in the same zoning district and, 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 Planning Commission. 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 Board shall be considered individually.

Required Materials

- A current and accurate legal description of the property(s) in question and a current survey prepared by a licensed surveyor;
- A description of existing use, current zoning district, and proposed conditional use;
- A list of all property owners within, contiguous to, and directly across the street from the property(s) in question. The list of addresses may correspond to the County Auditor's current tax list;
- A statement of the relationship of the proposed use to the general welfare of the community, to appropriate plans for the area, and to the changed or changing conditions behind the request;
- A statement of the relationship of the proposed use to adjacent land use in terms of traffic, parking, noise, and other potential nuisances and general compatibility; and
- A plot plan to show;
 - o Boundaries and dimensions of the lot and the size and location of all proposed and existing structures;
 - o Traffic access, traffic circulation, existing and proposed utilities, parking, lighting, and illumination, landscaping, signs, and other such information relevant to the proposed use; and
 - o Such additional information as may be required by this Zoning Ordinance and/or requested by the Board and/or Director of Inspection and Engineering to review the application.

Criteria for Approval

The following considerations shall be examined in review of an application for a conditional use:

- The proposed use is a conditional use of the zoning district and the applicable development standards of this Zoning Ordinance are met;
- The proposed use is compatible with adjacent land use, adjacent zoning, and to appropriate plans for the area;
- The proposed use will not adversely impact access, traffic flow, and other public facilities and services;
- The proposed use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature; and
- The proposed use will not adversely affect the public health, safety, convenience, comfort, prosperity, and general welfare.

Review Procedure

Filing of Application – Fifteen (15) copies of a completed application shall be filed with the Director of Inspection and Engineering at least forty-five (45) days prior to a regularly scheduled meeting of the Planning Commission. Prior to accepting such application, the Director of Inspection and Engineering shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Director of Inspection and Engineering, shall result in a refusal of acceptance.

Public Hearing – A public hearing of the Planning Commission shall be held within sixty (60) days from the date of the acceptance of a resolution, motion, or complete application to amend this ordinance and/or official zoning map. Nothing in this section shall prevent the Board from granting a continuance of the public hearing.

Public Notice for Hearing – At least one (1) notice shall be given at least ten (10) days prior to a scheduled public hearing in one or more newspapers of general circulation in the Village. Such notice shall include time and place of the public hearing and nature of the proposed conditional use.

Notice to Property Owners – Written notice of the hearing shall be mailed by the Village, certified mail, at least ten (10) days prior to the date of a scheduled public hearing to all property owners as listed under division (B)(3)(d) of Chapter 153.042. The notice shall correspond to division (D)(3) of this section in content.

Procedure at Hearing – Within thirty-five (35) days of the public hearing, the Planning Commission shall review the application and render one of the following decisions:

- Approval of conditional use as requested
- Approval of conditional use with modifications
- Disapproval of conditional use

The Commission shall apply criteria in division (C) of Chapter 153.042 in reaching its determination. In approving a conditional use, the Commission may prescribe additional conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is approved, shall be deemed a violation of this Ordinance and punishable as prescribed in Chapter 153.999 and shall result in revocation of the conditional use approval and respective Certificate of Zoning Compliance.

The Commission's determination in taking action on a requested conditional use shall be accompanied by findings of fact and a statement of the reason for the decision reached.

Issuance of Permit; Expiration

Upon approval of Planning Commission or upon appeal and approval by Council, and with such conditions attached by either body as may be necessary to secure the objectives of this Zoning Ordinance, the Director of Inspection and Engineering shall issue a conditional use and such permit shall automatically expire if, for any reason, the conditional use shall not be commenced within two years, including any construction or renovation. Such permit shall expire if a conditional use is discontinued for more than six (6) months.

Appeals

Whoever is aggrieved or affected by the decision of Board involving an application for conditional use shall have the right to file an appeal with Village Council. The appeal shall be filed in writing with the Clerk of Council no later than ten (10) days after the decision of the Commission. Council shall have a maximum of sixty (60) days from receipt of an appeal for public hearing, consideration, and a decision on the appeal. In reaching a determination on a requested conditional use on appeal by Council, the applicable portions of division (D)(5) of Chapter 153.042 shall apply.

Certification: I hereby certify under penalty of law that all other required permits shall be obtained prior to performing the work.

Signature of Owner or Agent

Date

Action of the Planning Commission:

Approved as Submitted: _____

Approved with Conditions: _____

Denied: _____

Date: _____