SECTION 815 - PROCEDURE FOR AUTHORIZING A CONDITIONAL USE

815.01 - NATURE OF CONDITIONAL USES - Specifically listed CONDITIONAL USES are provided within the Zoning District Regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the PERMITTED USES of such Zoning Districts.

The intent of the PROCEDURE FOR AUTHORIZING A CONDITIONAL USE is to set forth the Development Standards and criteria for locating and developing a CONDITIONAL USE in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

815.02 - WRITTEN APPLICATIONS – Ten (10) copies of a provided application form shall be filed with the Zoning Administrator not less than twenty (20) days prior to the date of the public hearing.

815.21 - Description of Property and Intended Use - The application shall include the following statements:

1.) A legal description of the property;

2.) The proposed use of the property;

3.) A statement of the necessity or desirability of the proposed use to the neighborhood or community;

4.) A statement of the relationship of the proposed use to adjacent property and land use;

5.) A list of the names and addresses of all adjacent property owners and property owners within three hundred (300) feet of the proposed conditional use. Such list shall be in accordance with the Franklin County Auditor's current tax list;

6.) Such other information regarding the property, proposed use or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.

815.22 - Plot Plan - The application shall be accompanied by ten (10) copies of a plot plan, drawn to an appropriate scale, clearly showing the following:

1.) The boundaries and dimensions of the lot;

2.) The size and location of existing and proposed structures;

3.) The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces, and landscaping;

4.) The relationship of the proposed development to the Development Standards;

5.) The use of land and location of structures on adjacent property.
815.03 REVIEW OF GOVERNMENTAL AGENCIES. The Zoning Inspector may forward copies of the application and plot plan to the County or Regional Planning Commission, the Blendon Township Zoning Commission, and any other township or county department or agency which, in the opinion of the Zoning Inspector, may have an interest in the conditional use. All such commissions, departments, and other governmental agencies may forward their recommendations to the BZA for consideration at the public hearing.

815.04 ACTIONS OF THE BZA. The BZA shall fix a reasonable time for a public hearing of the application, given at least 10 days’ notice in writing to the parties in interest and to all property owners adjacent to the subject tract, give notice of such public hearing by publication in one or more newspapers of general circulation in Blendon Township at least 10 days before the date of such hearing, and shall within a reasonable time after the application is submitted hold a public hearing and act on the conditional use in one of the following ways:

815.41 Approval. The BZA may, in its discretion, approve an application for a conditional use if the BZA determines that the proposed use meets all of the following conditions:

1) The proposed use is a Conditional Use of the Zoning District, and complies with all applicable Development Standards established in this Zoning Resolution.

2) The proposed development is in accord with applicable plans or polices for the area.

3) The proposed development will be in keeping with the existing land use character and physical development of the area.

4) The use is of such nature and will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing and intended character of the general vicinity and that such use will not change the essential character of the same area.

5) The use will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

6) The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse removal, water and sewers or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such services adequately.

7) Any other conditions, factors and/or circumstances that the Board deems relevant.

815.42 Approval with Modification. The BZA may approve with modification an application for a conditional use if the proposed use is a Conditional Use of the Zoning District and the applicable Development Standards are met and the requirements listed above are established by the applicant, but plot plan modification is required:

1) To be in accord with appropriate plans for the area; and

2) To prevent undesirable effects on adjacent property and the surrounding area.

Such modification may be a limitation on the extent or necessity of development, a requirement for additional
screening by fence or landscaping, a change in the method or plan for lighting, control of access, or other conditions of development as may be required by the BZA.

**815.43 - Disapproval.** The BZA shall not approve an application for a conditional use if the applicant does not clearly establish the requirements listed above.

**815.44 - Conditions.** In granting any conditional use application, the BZA may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the request for a conditional use is granted, shall be deemed a violation of this Resolution.

**815.45 - Expiration of Approval.** The applicant for a conditional use shall obtain the required certificate of zoning compliance and building permits for the proposed use within one (1) year of the BZA's approval of the conditional use; otherwise, the BZA's approval shall lapse, expire, and be null and void ab initio. Extensions of time may be requested by the applicant in writing by filing a request with the Zoning Inspector at least 30 days prior to the expiration of the one (1) year period. The BZA for good cause shown may enlarge the one (1) year period prescribed by this Section 815.045.