



## **FACT SHEET: Conditional Uses**

### **What is a Conditional Use?**

A conditional use is a specifically listed use provided for in this Zoning Resolution which is not otherwise permitted in any zoning district but which may be permitted by the Board of Zoning Appeals (BZA) under conditions set forth in this Zoning Resolution in accordance with Section 519.14 of the Revised Code of Ohio.

### **Who issues a Conditional Use Permit?**

A conditional use permit is approved by the BZA and issued by the Zoning Inspector for the use of land, buildings and other structures not otherwise permitted in any zoning district, under conditions and stipulations set forth in this Zoning Resolution.

### **Application Materials for a Conditional Use Permit**

An application for a Conditional Use Permit shall be filed with the Secretary of the Board of Zoning Appeals in accordance with procedures set forth in Section 519.15 of the Revised Code of Ohio and on forms provided by the Zoning Inspector by at least one owner or lessee of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address and telephone number(s) of the applicant.
2. Legal description of the property and the name of the owner(s) of record.
3. Description of existing use.
4. Zoning district classification.
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and internal traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and other such other information as the BZA may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

### **General Standards for a Conditional Use Permit**

In addition to the specific requirements for conditionally permitted uses, the BZA shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township Comprehensive Plan and/or the Zoning Resolution.
2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to neighboring uses.



4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
6. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be hazardous to the general welfare of the community.
7. On-site circulation shall be designed to provide for adequate fire and police protection, and safe and efficient pedestrian and vehicular circulation.
8. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards or congestion.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature.
10. Will not be detrimental to or endanger the public health, safety or general welfare.
11. Will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood.
12. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

### **Procedure**

A citizen may file an application to the board of zoning appeals. The inspector must send the BZA all records relating to the case.

The procedure for a conditional use application is specified in the Ohio Revised Code (ORC 519.15). Following is a brief summary of the major steps required:

1. The BZA schedules a public hearing within a "reasonable time." It is recommended the public hearing be held within 20 days from the date the application is filed.
2. The BZA sends a notice of public hearing to "parties in interest" at least 10 days before the public hearing. Parties of interest include the applicant for the zoning permit; the person aggrieved who appealed to the board; all owners of property within, contiguous to, and directly across the street from the premises; and other such individuals as the board shall determine.
3. The BZA publishes a notice of public hearing in a newspaper of general circulation at least 10 days before the hearing.
4. The BZA makes a decision within a "reasonable time." It is recommended the decision be made within 20 days of the date of the hearing.

It is important that these procedures be exactly followed. If, for example, the board of zoning appeals refuses to approve a request for a conditional use permit, the applicant's only recourse is to the Court of Common Pleas. It is often assumed that an appeal from the board of zoning appeals may be taken to the Township Trustees. This is not proper procedure. The Township Trustees have no authority to hear appeals, variances or conditional uses. They are solely a legislative body. An appeal from the board of zoning appeals must be made to the Court of Common Pleas.