

CHAPTER 107

CONDITIONAL USES

107.01 Nature of a Conditional Use
107.02 Application

107.03 Procedure
107.04 Effect of Approval

CROSS REFERENCES

Ch. 103 Administration and Enforcement
Ch. 105 Board of Zoning Appeals

107.01 NATURE OF A CONDITIONAL USE

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 set forth in 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. Applications for Conditional Use Permits are heard by the Board of Zoning Appeals, hereinafter the Board.

107.02 SUBMITTAL REQUIREMENTS

Two (2) 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 before the Board.

A. 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. 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.

B. Site Plan. The application shall be accompanied by three (3) copies of a site 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 accessways, traffic circulation, walks, off-street parking and loading spaces, existing and proposed utilities, stormwater drainage, lighting, landscaping, and other such improvements..
 4. The relationship of the proposed development to the property.
 5. The use of adjacent properties and location of adjacent structures.
- C. Fees. Applicable fees are established based upon the fee schedule and shall be paid at time of application submittal.

107.03 PROCEDURE

- A. Acceptance of a Complete Application. The Zoning Administrator shall only accept a complete application and fee for a Conditional Use Permit.
- B. Notice of Public Hearing. The Board of Zoning Appeals shall hold a public hearing on the application. Notice setting forth the time and the place of such hearing and the nature of the requested Conditional Use shall be given by the Board by one (1) publication in one (1) or more newspapers of general circulation in Jackson Township at least ten (10) days before the date of such public hearing.
- C. Action by the Board. The Board shall hold a public hearing and act on a Conditional Use in one of the following ways:
1. Approval. The Board shall approve an application for a Conditional Use if the following three (3) conditions are met:
 - a. The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Resolution are met.
 - b. The proposed development is in accord with appropriate plans for the area.
 - c. The proposed development will be in keeping with the existing land use character and physical development potential of the area.
 2. Approval with Modification. The Board may approve with modification of 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, but plot plan modification is required:
 - a. To be in accord with appropriate plans for the area; and
 - b. To prevent undesirable effects of adjacent property and the surrounding area.

Such modification may be a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, control or access or other conditions of development as may be required. Recommendations regarding the modification of plans or other appropriate actions shall be stated with the reasons for each recommendation.

3. Disapproval. The Board shall only disapprove an application for a Conditional Use for any one (1) of the following reasons:
 - a. The proposed use is not a Conditional Use of the Zoning District, or the applicable Development Standards are not and cannot be met.
 - b. The proposed development is not in accord with appropriate plans of the area.
 - c. The proposed development will have undesirable effects on the surrounding area and is not in keeping with the existing land use character and physical development potential of the area.

107.04 EFFECT OF APPROVAL

- A. Conditional Use Approval. Upon a favorable finding, the Board shall approve a Conditional Use application within thirty (30) days following the public hearing.
- B. Conditional Use Permit. A Certificate of Zoning Compliance may be issued only for an approved Conditional Use within the period of one (1) year from the date of final approval by the Board.
- C. Building Permit. A Building Permit may be obtained only for the development in accordance with the approved plot plan.