

ARTICLE VII

CONDITIONAL USES

Section 7.01 Purpose

Under some unusual circumstances, a use which more intensely affects an area than those used permitted in the zoning district in which it is located may nonetheless be compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as *conditional uses* within the respective zoning districts. The Planning and Zoning Commission may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Resolution.

Section 7.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Ordinance in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Zoning Enforcement Officer, who shall forward a copy to the Planning and Zoning Commission. At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of the property.
- C. Present zoning district.
- D. Description of existing and proposed uses.
- E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic circulation, utilities and such other information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
- F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on such property and a discussion of the general compatibility of the proposed use with adjacent and other properties in the area.
- G. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Darke County Auditor's current tax list.
- H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Commission.

Section 7.03 General Standards for Conditional Uses

In addition to the specific requirements for conditional uses as specified in the district regulations, the Planning and Zoning Commission shall review the particular facts and circumstances of the proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location meets all of the following requirements:

- A. The use is in fact a conditional use as established under the district regulations.
- B. The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. The use will not pose a discernible hazard to existing adjacent uses.
- D. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers and schools.
- E. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- F. The use will be consistent with the objectives of this Zoning Ordinance.

Section 7.04 Supplementary Conditions

In granting any conditional use, the Commission may prescribe appropriate conditions and safeguards in conformance with the purposes and intent of this Ordinance

Section 7.05 Public Hearing by the Planning and Zoning Commission

The Planning and Zoning Commission may hold a public hearing for the purpose of receiving input on the specific case being considered. If a public hearing is held, the requirements for public notice and notification of parties of interest shall be the same as for appeals and variances, as specified in Section 6.06 and 6.07 of this Ordinance.

Section 7.06 Action by the Planning and Zoning Commission

Within sixty (60) days after the next regular meeting of the Commission following the submittal of the application pursuant to Section 7.02 of this Ordinance, the Commission shall either approve, approve with supplementary conditions as specified in Section 7.04, or disapprove the application as

Zoning Enforcement Officer shall state on the Zoning permit the specific conditions listed by the Commission for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas, pursuant to the guidelines and procedures specified in Section 6.09 of this Ordinance.

**Section 7.07 Expiration and Revocation of zoning Permit
 Issued Under Conditional Use Provisions.**

The approval of the zoning permit issued in accordance with Section 7.06 shall become null and void if such use is not carried out within one (1) year after date of approval. The Commission may revoke the zoning permit upon written evidence by any residents of the City of violation of the Zoning Ordinance and/or written terms and conditions upon which approval was based. The Commission is authorized to grant an extension of a zoning permit issued pursuant to Section 7.06, for an additional period of six (6) months.