

## **CHAPTER 620 CONDITIONAL ZONING PERMIT PROCEDURES**

### **Section 620.01 Purpose**

In recent years, the characteristic and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, it is recognized that this Code should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method (s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures of this Chapter.

### **Section 620.02 Contents of Conditional Use Permit Application**

Any owner, or agent of the owner of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Inspector, who shall within seven days, transmit it to the Chairman of the Planning Commission. The application at a minimum shall contain the following information:

1. Name, address and phone number of the applicant and owner.
2. Legal description of the property.
3. Zoning District in which the conditional use is proposed.
4. Description of the existing use and the conditional use proposed.
5. Such other information as the Planning Commission may require.
6. A site plan meeting the requirements of Chapter 610.
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the Village Comprehensive/Land Use Plan. This statement shall include an evaluation of the effects on adjoining properties with respect to such elements as traffic circulation, noise, glare, odor, and vibration.
8. A list containing the names and mailing addresses of all owners of property within 250 feet of the subject property.
9. A fee as established in Section 504.
10. Proof that the specific criteria for the proposed conditional use as specified in Chapter 350.03 has been addressed as well as the general criteria of Section 350.02.

### **Section 620.03 Public Hearing**

The Village Planning Commission shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit submitted by the applicant to the Zoning Inspector and he/she has determined it to be complete.

**Section 620.04 Notice of Public Hearing**

Before conducting the public hearing required in Section 620.03, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

**Section 620.05 Notice to Parties in Interest**

Prior to conducting the public hearing required in Section 620.03, written notice of such hearing shall be mailed by the Chairman of the Planning Commission, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application, the applicant, and any others who have expressed an interest in being notified.

**Section 620.06 Action by the Planning Commission**

Within ninety days (90) days after the date of the public hearing required in Section 620.03, the Planning Commission shall take one of the following actions:

- A. Approve the issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be location in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, that such use will neither result in significant negative impacts upon nor conflict with surrounding uses, and that the site plan does comply with the requirements of Section 610. Such written findings may also prescribe supplementary conditions and safeguards as specified in Section 350.03 A. Upon making an affirmative finding, the Planning Commission shall direct the Zoning Inspector to issue a conditional use permit for such use that shall list all conditions and safeguards specified by the Commission for approval.
- B. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications that are deemed necessary.
- C. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

**Section 620.07 Expiration of Conditional Zoning Permit**

A conditional zoning permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than two (2) years.

